

ADR 1996-46
Supplement of 1-13-97
Exhibits

AS PART OF ITS JANUARY 14, 1997, SUPPLEMENT, THE SWP SUBMITTED A 404-PAGE EXHIBIT PACKAGE. IN AN EFFORT TO REDUCE THIS PACKAGE TO A MORE READABLE FORM WHILE STILL PRESERVING ITS BASIC PURPOSE, WE HAVE ELIMINATED REPETITION AND HAVE OMITTED OTHER EXHIBITS OR PARTS OF EXHIBITS. WE HAVE LABELED EACH EXHIBIT ON ITS FIRST PAGE, AND THERE ARE OTHER PRINTED NOTES AS TO THE REDACTION.

IN ADDITION TO TEN EXHIBITS IDENTIFIED ALPHABETICALLY, THE SWP SUBMITTED 72 NUMBERED EXHIBITS THAT EACH RELATE TO A SEPARATE INCIDENT OF HARASSMENT. MANY OF THESE HAVE BEEN OMITTED FROM THIS REDACTION.

THE 23 NUMBERED EXHIBITS SUBMITTED WITH THE NOVEMBER 1, 1996, SUBMISSION WERE ARE ALL INCLUDED BY THE SWP AMONG THE NUMBERED EXHIBITS IN THE SUPPLEMENTAL SUBMISSION. ABOUT HALF OF THESE NOVEMBER EXHIBITS APPEAR IN THIS REDACTION, ALONG WITH THE SUPPLEMENTAL MATERIALS (SUBMITTED IN JANUARY) FOR THE PARTICULAR INCIDENT DESCRIBED.

By: OGC (see notes)
2-4-97

**VOLUME III OF EXHIBITS SUBMITTED IN SUPPORT OF 1996
REQUEST BY THE SOCIALIST WORKERS PARTY, THE SOCIALIST
WORKERS PARTY NATIONAL CAMPAIGN COMMITTEE AND
COMMITTEES SUPPORTING CANDIDATES OF THE SOCIALIST
WORKERS PARTY FOR AN ADVISORY OPINION**

**RABINOWITZ, BOUDIN, STANDARD,
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Attorneys for Requesting Parties

VOLUME III OF EXHIBITS TO 1996 ADVISORY OPINION REQUEST LETTER

- A. Declaration of Greg McCartan
- B. *Dangerous Dialogue: Attacks on Freedom of Expression in Miami's Cuban Exile Community*; "Miami's Endangered Speech," *Miami Herald*, August 11, 1992; "Miami Leaders Are Condemned by Rights Unit," *New York Times*, August 19, 1992
- C. *Dangerous Dialogue Revisited: Threats to Freedom of Expression Continue in Miami's Cuban Exile Community*
- D. Declaration of Seth E. Galinsky
- E. Declaration of Margaret R. McCraw; Declaration of Seth E. Galinsky; Article from *Miami New Times* dated August 15-22, 1996; "The Socialist Workers Candidates in the News," *The Herald*, June 10, 1996; "Partido Socialista se reune para presentar candidatos," *El Nuevo Herald*, June 1, 1996 [with translation]; Letter from Seth Galinsky appearing in *New Times*, March 9-15, 1995
- F. Submission to Washington Public Disclosure Commission 1991
- G. Submission to Washington Public Disclosure Commission 1992
- H. Submission to Washington Public Disclosure Commission 1993
- I. Submission to Washington Public Disclosure Commission 1996
- J. Submission to Iowa Campaign Finance Disclosure Commission 1991
- 1. Declaration of William Arth
- 2. Declaration of William Arth; Declaration of Diana J. Newberry; Statement of Anna M. Schell
- 3. Declaration of Robert Miller; Summons issued to Robert Miller; Complaint filed by Robert Miller; Letter from Leslie A. Fehrenbach
- 4. Declaration of Janet Post
- 5. Declaration of Wendy Lyons; Certificates of disposition; Article from *The Militant*, September 16, 1996
- 6. Declaration of Emily Fitzsimmons
- 7. Declaration of Janet Post

8. Declaration of Janet Post
9. Declaration of Emily Fitzsimmons and Chad Reeser
10. Declaration of Shelton A McCrainey and Alyson Y. Kennedy
11. "Store owner believes fire was politically motivated," *Des Moines Register*, December 19, 1995; "Probe of fire is in dispute," *Des Moines Register*, December 22, 1995; "Arsonists attack Pathfinder bookstore in Iowa," *The Militant*, January 8, 1996; Estimate for restoration work
12. Declaration of Scott Breen
13. Declaration of Frances E. Farley
14. Declaration of Frances E. Farley
15. Declaration of Will Elder and Brandon Greenwood; Declaration of Rich Stuart
16. Declaration of Michael Baumann
17. Declaration of Robert Stanton
18. Declaration of Marc Kinzel
19. Declaration of Ilona M. Gersh
20. Declaration of Margaret R. McCraw; letter to City of Miami Attorney; letter from Miami City Attorney's Office
21. Declaration of Seth E. Galinsky
22. Declaration of Seth E. Galinsky
23. Declaration of Juliette Montauk
24. Letter to Mayor of Minneapolis from Socialist Workers campaign; citation for blocking sidewalk; dismissal of citation
25. Ku Klux Klan letter and calling card
26. Declaration of Toni Jackson; "Vandals Send Hate Message," *Michigan Chronicle*, November 24-30, 1993
27. Declaration of Priscilla Schenk

28. "California unionist fights gov't victimization," *The Militant*, September 6, 1993; "U.S. naval station worker wins victory against gov't," *The Militant*, December 27, 1993; "Local Navy Worker investigated for running for political office," *Alameda Journal*, July 20-22, 1993; "Milton Chee Fighting To Repeal Hatch Act," *Asianweek*, July 23, 1993; "Naval depot worker probed," *Alameda Times-Star*, July 27, 1993; letter from the U. S. Office of Special Counsel dated November 23, 1993; letter from David S. Handscher dated December 13, 1993
29. Declaration of Seth E. Galinsky
30. Declaration of Michael Baumann; "Rightists attack socialist campaign table in Union City, New Jersey," *The Militant*, September 27, 1993
31. Statement of Harvey McArthur
32. Declaration of John Votava
33. Declaration of John Votava
34. Statement of Harvey McArthur
35. Declaration of Seth E. Galinsky
36. Statement of George Chalmers
37. "Urban Cowboy: Lt. Mike Sauro knows a bad guy when he sees one," *City Pages*, February 3, 1993
38. Declaration of Henry J. Hillenbrand
39. Letter from Socialist Workers '92 Campaign to Port Authority; Summons for distributing pamphlets; "P.A. drops leafleting charge against candidate," *Jersey Journal*, November 24, 1992; "Activist 'cleared'," *Newark Star-Ledger*, November 24, 1992
40. Declaration of Susan Zarate; "Socialist campaigners win victory for democratic rights in New Jersey," *The Militant*, October 30, 1992; letter from Jersey City Acting Corporation Counsel; letter from Jersey City Police Department
41. Declaration of Nels J'Anthony
42. Correspondence between the Minnesota State Socialist Workers Campaign and the Chief of Police of Minneapolis; "For Capitalists Only," *City Pages*, July 8, 1992
43. Statement of Kathleen Wheeler

44. Statement of David Warshawsky
45. "King sympathizer reports death threats," *Star Tribune*, May 10, 1992; "Backers of Minnesota activist denounce death threats," *The Militant*, May 22, 1992
46. Declaration of Dorothy L. Kolis
47. Statement of Anna M. Schell
48. "Peoria cops arrest socialist candidate," *The Militant*, April 10, 1992; "Charges dropped against unionists," *The Militant*, May 1, 1992; "No crime problems reported at UAW rally," *Peoria Star Journal*, March 24, 1992
49. Declaration of Sara J. Lobman dated October 31, 1996; "Bullet shot at Des Moines Pathfinder Bookstore," *The Militant*, March 6, 1992; letter from SWP to Mayor of Des Moines, Iowa
50. Declaration of Jason Coughlin; "Pathfinder bookstore in Omaha gets support against death threat," *The Militant*, December 20, 1991
51. "Airman's Politics Prompt Air Force Investigation," *Omaha World-Herald*; "Airman's Views Stir Offutt Security Issue," *Omaha World-Herald*; "Air Force Shows Prudence," *Omaha World-Herald*, October 17, 1991
52. Declaration of Jerry Freiwirth; dismissal documentation
53. Letter on behalf of ACLU to Corporation Counsel of Newark New Jersey; "Socialist candidates in Newark protest cop threats," *The Militant*, September 20, 1991; Legal opinion of William J. Volonte
54. Statement of Robert Bruneau
55. Statement of Robert Bruneau
56. Statement of Stuart Crome
57. Declaration of Jane Roland
58. Declaration of Robert Paul Dees
59. Declaration of John C. Hawkins; "Socialists blame vandalism on racists," *The Birmingham News*, June 19, 1991; "B'ham Socialist bookstore attacked," *Greene County Democrat*, June 26, 1991; "Alabama socialist denounces rightist attack on bookstore," *The Militant*, July 19, 1991

60. Declaration of Robert Paul Dees
61. Statement of Ken Kawakubo
62. Declaration of Priscilla Schenk; "Two anti-war Iowans say agents harassed them," *Des Moines Register*, February 21, 1991; "Inquiry urged into peace activists' allegations of harassment," *Des Moines Register*, February 22, 1991; "Des Moines daily covers unionists' fight," *The Militant*, March 8, 1991
63. Declaration of David Z. Rosenfeld; "Smashing of socialist campaign office window protested in St. Louis," *The Militant*, February 15, 1991
64. Declaration of Dorothy L. Kolis
65. Declaration of Claudia Hommel; complaint and summons
66. Declaration of Amy Husk; "Missouri event protests attack on campaign offices," *The Militant*, September 28, 1990
67. Declaration of Ted Leonard; "Pathfinder Bookstore in Des Moines vandalized," *The Militant*, August 24, 1990
68. Declaration of Lisa Hickler
69. Declaration of Frances E. Farley
70. Declaration of Martin Koppel
71. Declaration of Daniel B. Fein; complaint/arrest affidavit
72. Declaration of Francisco Sanchez

G:\ML\SWP VOL3\IND.EX

DECLARATION

I, GREG McCARTAN, am the Socialist Workers 1996 National Campaign Director. I make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Harassment of people campaigning in support of the Socialist Workers Party and its candidates by both government and private sources is a common occurrence across the country. It is so common that it often goes unreported to any government agency or even to the SWP national election offices.

2. As the Socialist Workers 1996 Campaign director I gathered together a representative sample of 23 such incidents from files maintained by the Socialist Workers National Campaign Committee. This material was submitted November 1 as part of the SWP's request for a renewal of certain exemptions from reporting financial information required by FECA. However, I did not thereby mean to suggest that they were the totality of such incidents, only that they were representative of a far more pervasive pattern of harassment, some of which incidents were known to the national campaign committee, and some of which were not.

3. Upon request for documentation of further such evidence by the Office of the General Council of the Federal Elections Commission, information on an additional representative sample of such incidents was gathered together based on reports received over the past six years by the Socialist Workers National Campaign and kept in files maintained by that committee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 22, 1996.

Greg McCartan
GREG McCARTAN

Date 11/22/96

EXHIBIT A

DECLARATION

I, Seth E. Galinsky, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provision of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I have been a candidate for public office for the Socialist Workers Party in Miami on three occasions. In 1993 I ran for Miami City Commission Group IV. In 1995 I ran for Miami City Commission Group II. In 1996 I ran for U.S. Congress District 21.
2. The Socialist Workers Party has had public offices in Miami for more than 20 years. The offices are currently located at 137 N.E. 54th St.
3. The views of the Socialist Workers Party on Cuba, especially its opposition to the U.S. embargo of the island and support for the revolution, are well known in Miami and South Florida. The Socialist Workers Party views on Cuba in particular and other issues have been reported on both English-language and Spanish-language television, in a wide variety of local newspapers, and on the radio. Our views have also been well-publicized through media interviews with our candidates for public office; through the distribution of campaign literature; through sales of the Militant newspaper and Perspectiva Mundial magazine door-to-door, in the community, and at demonstrations and picket lines; and through individual conversations and public speeches.
3. The Socialist Workers Party has run candidates for public office in most election years in Miami for the last 20 years.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 3, 1996.



Seth Galinsky

Date 12/3/96

Exhibit D

DECLARATION

I, Margaret R. McCraw, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On May 2, 1995, two teachers at Lindsey Hopkins, a Dade County vocational school in Miami, physically harassed and attacked myself and another female SWP volunteer while we were staffing a literature table on a public sidewalk in front of the school.
- 2.. We were distributing books, newspapers, and leaflets to win support for the party's slate in the upcoming elections. I had run as one of the SWP candidates for Miami City Commission in 1993.
3. At approximately 7:45 p.m. during class break, a school administrator and a security guard told us we were not allowed to distribute literature on or near school property. Since we were on public property, not impeding foot traffic, and within feet of vending machines for the Miami Herald and other newspapers, we kept the table up but moved it a little further away from the school entrance.
4. A few minutes later two teachers came out and began yelling at us in both English and Spanish. They were particularly agitated about a poster with a picture of Cuban leaders Fidel Castro and Ernesto Che Guevara. They pointed to other materials supporting the Cuban revolution and books by South African leader Nelson Mandela. The two yelled "go back to Cuba" and tried to keep the 15 to 20 students gathered from looking at our literature.
5. When we asserted our right to be on public property and express our views, the teachers began to make sexual remarks, grab their genitals, and lunge at the table, ignoring efforts by many students to calm them down.
6. The security guard returned and insisted that we leave. At this point one of the teachers rushed the table, kicking it and scattering books on the ground. Both teachers then went back inside. The security guard stood by and did nothing. A number of students helped pick up the books and set the table up again. We asked a couple of these students whether they would be willing to give their names and phone numbers to us as witnesses to what had happened. While they were supportive of our rights, none agreed.
7. About ten minutes later, Mr. Jim Parker, the school's vice-principal came out with more security guards and again tried to force us to leave. We showed him a 1991 letter from the Miami City Attorney regarding First Amendment rights and distribution of literature in the city. We also

Exhibit E - some pages omitted

*This declaration is repeated as part of
Exhibit #20*

informed him that two teachers had verbally and sexually harassed us and had attacked our table. He said he would "deal with them."

8. As we were taking down the table to leave, a City of Miami police officer drove up on the sidewalk. She was not concerned about the attack on us but informed us that we could not distribute literature there and that we were in violation of county ordinances prohibiting vending near schools.

9. The school administration, security guards, right wingers, and police were forced to back down and allow literature tables in front of the school only after being threatened with litigation on behalf of the SWP by the Greater Miami Chapter of the American Civil Liberties Union (ACLU). The Assistant City Attorney issued a memorandum to the Police Department on July 25, 1995 noting the First Amendment exemptions to ordinances regarding vending.

10. We currently set up tables and distribute literature at Lindsey Hopkins. While we have not been physically harassed or attacked, the two teachers involved and other right wingers occasionally stand near our tables attempting to intimidate us.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1996.

Margaret R. McCraw
Margaret R. McCraw

Date 11/21/96

DECLARATION

I, Seth E. Galinsky, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provision of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On April 24, 1993 the Socialist Workers Party set up a literature table at an anti-Klan rally of 1,500 people in Miami Beach. The rally, called to protest a Klan action at the Holocaust memorial, was organized with the aid of several right-wing groups from the Cuban-American and Jewish communities, including the Jewish Defense League and the Cuban-American National Foundation.

Early on during the event a right-wing Cuban-American overturned the table. Rally monitors helped to set the table back up. We continued to distribute the Militant newspaper and other literature for the next two and a half hours.

We sold 38 copies of the Militant and 4 subscriptions in spite of continuing interruptions by right-wingers who shouted insults at us and tried to convince young people to not buy the Militant or Pathfinder literature.

At one point a leader of the Socialist Workers Party was interviewed by a local television station. While he was being interviewed, one of the right-wingers who had been harassing us held up a sign behind the party leader in full view of the TV cameras. The sign said "This man is a communist."

After about two and a half hours, a larger group of right-wingers surrounded the table, threatening us, and we had no choice but to pack up and leave. This time the monitors also asked us to leave.

We were followed by a small group of rightists all the way out to our cars.

2. Several times during the months of September and October 1993 Laura Garza, the Socialist Workers candidate for mayor of Miami, and myself, at the time candidate for Miami City Commission- Group IV, were interviewed by both radio WCMQ and La Cubanissima, two Spanish-language stations here. Each time we were interviewed about the politics of the SWP on a wide variety of topics from abortion rights to the union movement and the Cuban revolution.

At all of the radio interviews we were able to give out the phone number of the campaign headquarters. We received between 3 and 6 calls after each appearance. Several of the calls were threatening with callers saying in Spanish "Vayase a Cuba" and "Muerte a los comunistas" (Go to Cuba and Death to the communists").

3. On February 3, 1995, an older man approached a literature table sponsored by the Socialist Workers Party and the Young Socialists at Government Center in downtown Miami. We had signs on the table including one against Proposition 187 and one against the U.S.

This declaration was also submitted as Exhibits 21, 22, 29, and 35. It will not be repeated in this redaction

embargo of Cuba. The man started shouting at us: "I was a political prisoner in Cuba. They tortured me and killed two people in my family. Fuck you! Fuck you! Fuck you!" Then he smashed the table once very hard with his fist, leaving one side of the table cracked all the way through. He then stormed off.

4. On February 23, 1995, an individual approached a Young Socialist table at Florida International University-south campus in Miami. The Young Socialists Club is a registered campus group and the table was being staffed by members of the Young Socialists and the Socialist Workers Party.

The individual asked a member of the Young Socialists if they are "for Fidel Castro." After a short discussion and saying "I should kick your ass" the individual left. He returned a few minutes later and threatened to overturn the table pointing specifically to the books by and about Che Guevara and Fidel Castro. He also threatened to physically attack the people staffing the table.

When another student approached the table, I tried to offer that person a leaflet on an upcoming anti-Klan demonstration, the first individual grabbed the leaflet, crumpled it up and threw it on the ground. He then continued to threaten us. At this point two students, who appeared to be his friends, physically restrained him when he seemed he was about to carry out this threats. While he resisted they dragged him away from the table.

5. Shortly after the Cuban government shot down two planes from Brothers to the Rescue, we participated in a Militant Labor Forum which was held at the Pathfinder Bookstore on March 1, 1996. The offices of the Socialist Workers Party are at the same location. I was the spokesperson for the Socialist Workers Party. Andres Gomez from the Antonio Maceo Brigade also spoke. There was also a speaker from the Young Socialists. One friend of the SWP had told us that he had heard on one of the Spanish-language radio stations that there would be a protest. We also received some telephone threats. We contacted the Miami police who told us they would not take any special measures and suggested that we cancel the forum, which we refused to do. The police also tried to get some Haitian activists to denounce the forum, which is held in Miami's Little Haiti neighborhood. Three right-wingers demonstrated across the street during the forum. The police ended up erecting barricades and kept the demonstrators away from the entrance to the event. Three television stations came to the forum and reported it on their news show later that evening.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 1996

Seth E. Galinsky
Seth Galinsky

Date 11/21/96



The Socialist Workers Candidates in the News

THE HERALD, MONDAY, JUNE 10, 1986

2A EL NUEVO HERALD
LUNES 10 DE JUNIO DE 1986

DADE POLITICS

BY KAREN BRANCH

PULSO POLITICO

Mujeres a por la Alcaldía

Is Margolis eyeing strong-mayor job?

Dade has its first woman candidate for Metro's strong-mayor post — and the second may not be far behind.

Rachele Fruit, 46, an aerospace parts mover from Miami Shores, opened her campaign account Monday. Metro Commissioner Gwen Margolis picked up qualifying papers last week at the Dade Elections department.

But will Margolis actually bring them back? "I don't know," she said. "But I picked them up and I'll be prepared to move depending on who gets in the race."

Margolis would not elaborate. Fruit, a candidate for the Socialist Workers Party, said Dade needs a "working-class alternative."

On her platform: immigrant rights, closing down the Krome Detention Center, defending black churches and abortion clinics from attacks, promoting unions, and . . . defending the Cuban Revolution.

"We found there's a wide difference of opinions among Cubans here," Fruit said. "There are many people against the embargo."

"Oh, my God," Margolis said when she heard about that part of Fruit's platform.

Dade tiene su primera candidata al puesto de alcalde electivo, y la segunda puede no estar lejos.

Rachele Fruit, de 46 años, transportista de piezas de aviones, de Miami Shores, abrió su cuenta de campaña el lunes. La comisionada del condado Gwen Margolis recogió sus planillas de solicitud la semana pasada en el Departamento de Elecciones de Dade.

Pero, ¿las presentará? "Pero yo no lo sé", contestó. "Pero ya las tengo, y estaré preparada para una decisión dependiendo de quiénes se postulan."

No quiso entrar en detalles. Fruit, candidata del Partido de los Trabajadores Socialistas, dijo

que Dade necesita "una alternativa de la clase trabajadora"

Su programa político: los derechos de los inmigrantes, la clausura el Centro de Detención de Krome, la defensa de las iglesias negras y las clínicas de abortos de los ataques, la promoción de los sindicatos, y . . . la defensa de la revolución cubana.

"Sabemos que aquí hay una amplia diferencia de opiniones entre los cubanos", manifestó Fruit. "Hay mucha gente en contra del embargo"

"Ay, Dios mío", exclamó Margolis cuando se enteró de esa parte del programa de Fruit. "Espero que sobreviviera la campaña"

Sign up to join in campaigning for the socialist alternative

- Enclosed is a \$ _____ contribution (Make checks payable to Rachele Fruit for Mayor)
- I want to invite a candidate to speak at my union, school, or organization
- Please send me more information on the Young Socialists
- Enclosed is \$10 for a 12-week subscription to the *Millitant*, a socialist newsweekly, or \$6 for 4 months of *Perspectiva Mundial*

Name _____

Address _____

City _____

State _____

Zip _____

Phone _____

Union/School/Organization _____

Mail to: Socialist Workers 1996 Campaign, 137 N.E. 54th St. Miami FL. 33137 or contact us at (305) 756-9917



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop Fj-42 • Olympia, Washington 98504-3342 • (206) 753-1111 • FAX: (206) 753-1112
October 2, 1991

HARVEY MCARTHUR, TREASURER
SOCIALIST WORKERS 1991 CAMPAIGN COMMITTEE
1404 EAST MADISON
SEATTLE, WA 98122

Dear Mr. McArthur:

SUBJECT: REPORTING MODIFICATION

Enclosed are the Findings of Fact, Conclusions of Law and Order of the Public Disclosure Commission in response to your recent request for a reporting modification.

Sincerely,

Graham E. Johnson
Executive Director

Enclosure

Exhibit F - some pages omitted

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop Fj-42 • Olympia, Washington 98504-3342 • (206) 753-1111 • FAX: (206) 753-1112
 BEFORE THE PUBLIC DISCLOSURE COMMISSION
 OF THE STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION) OF SOCIALIST WORKERS 1991 CAMPAIGN,) STUART CROME, KATHY WHEELER,) ROBERT BRUNEAU, JEFF FORD,) MARK SEVERS AND KEN KAWAKUBO) FOR A REPORTING MODIFICATION) <hr/>	PDC NO. 1631 Findings, Conclusions and Order
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I.

This matter came on for hearing before the Public Disclosure Commission on the application of the Socialist Workers 1991 Campaign, Stuart Crome, Kathy Wheeler, Ken Kawakubo, Mark Severs, Jeff Ford and Robert Bruneau for a modification of the reporting requirements of RCW 42.17.065(2) (a and b); .065(5); .067(6); .080(4); and .090. Consideration of the request was made pursuant to RCW 42.17.370(9) and chapter 390-28 WAC by the entire Commission. The proceedings were held in the second floor conference room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, on the morning of August 27, 1991. Mark Severs, on behalf of the Party, by personal appearance, and Harvey McArthur, campaign committee treasurer, by affidavit, requested that each of the applicants not be required to report the names and addresses of contributors to the campaigns or of vendors to whom the campaigns have made expenditures. He further requested that original books and records of the campaign not be available for public inspection.

Based on the testimony and the affidavit, the Commission made the following

FINDINGS OF FACT

1. The Socialist Workers 1991 Campaign is the election campaign committee of the Socialist Workers Party, a political party which receives funds and makes contributions to Washington state candidates and committees. The party sponsors candidates in state and local elections and has done so for many years. Thus far, no Socialist Workers candidate has been elected to public office in Washington state.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17.010 (10)

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2. Stuart Crome and Kathy Wheeler are each declared candidates in the 1991 election for Seattle City Council. Robert Bruneau is a declared candidate in the 1991 election for Seattle School District director. Jeff Ford, Ken Kawakubo and Mark Severs will be write in candidates for Seattle City Council in the 1991 general election. These candidates are identified with the platform, policies and views of the Socialist Workers Party.

3. There is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide. The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action and similar, often controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization.

4. On several occasions in the past Socialist Workers Campaigns and candidates have been either exempted from or granted modification of campaign reporting provisions of state and federal law because of the hardships met by the party if required to disclose campaign contributors' or vendors' names. The Socialist Workers Party and its candidates have not reported this information in the past in Washington state.

5. The Socialist Workers Party has run candidates in Washington state for federal, state and local office since 1978. No candidate has won election thus far.

6. There are instances where business owners fear they will also become the target of reprisals if it is known they do business with the party or its candidates.

7. Disclosure of the names and addresses of persons who contribute could have a chilling effect on the party's and candidates' ability to solicit and collect campaign funds.

8. Disclosure of the names and addresses of vendors who supply goods and services could have a chilling effect on the party's and candidates' ability to purchase necessary campaign materials and services.

Having made these Findings of Fact, the Commission makes the

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following

CONCLUSIONS OF LAW

1. Literal compliance with all the provisions of the statute and the rules would work a manifestly unreasonable hardship on the applicants.

2. Limited suspension or modification of the reporting requirements of RCW 42.17 as specified in the Order would not frustrate the purposes of the Act in this particular case.

IV.

Having made these Findings of Fact and Conclusions of Law, the Commission issues the following

ORDER

1. The applicants may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or received as an expenditure.

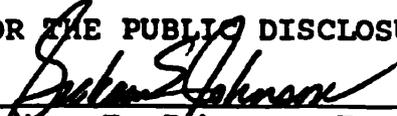
2. The applicants shall not be required to make their books and records of account available for public inspection during the last eight days prior to the election.

5. This modification shall be in effect through December 31, 1991.

6. In all other requirements, the applicant shall comply in full with the provisions of chapter 42.17RCW.

DATED this 27th day of August, 1991.

FOR THE PUBLIC DISCLOSURE COMMISSION



Graham E. Johnson, Executive Director

The commissioners voting to grant the request are as follows:

- Douglas True, Chairman
- Commissioner Alma Kimura
- Commissioner Irene Heninger

Absent and not voting: Commissioners Struthers and Shreve



Ken Eikenberry

ATTORNEY GENERAL OF WASHINGTON

HIGHWAYS LICENSES BUILDING • PB 71 • OLYMPIA WA 98504-8071

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Roselyn Marcus, Assistant Attorney General

DATE: August 20, 1991

SUBJECT: Request for Reporting Modification; Socialist Workers
1991 Campaign and Freedom Socialist Party

The Socialist Workers 1991 Campaign and the Freedom Socialist Party have requested reporting modifications for their campaign finance disclosure statements. Both groups wish to be exempt from reporting the names and addresses of their contributors and the names and addresses of recipients of campaign funds. These disclosure requirements are mandated by RCW 42.17.080 and RCW 42.17.090.

There is a lot of history surrounding these groups and previous exemptions from reporting requirements. This memorandum will outline the history of reporting modifications for the Socialist Party and the current state of the law. This information is to assist you in preparing for the current reporting modification requests.

I. Factual Background of the Socialist Workers Campaign Committee

The Socialist Workers 1991 Campaign Committee has been established for the purpose of supporting and organizing the finances of all Socialist Workers candidates in the 1991 Washington State elections. The political committee is separate from but serves as a political committee of the Socialist Workers Party ("SWP"), a national and state organization. The committee is ideologically identified with and holds the same policies, platform and views as the Socialist Workers Party.

The SWP has a long history of governmental surveillance and harassment. Further, its members and supporters have been harassed by employers, landlords and other individuals. The SWP, its offices and members have been the victim of incidents involving threats and violence. They are a minor political party whose candidates have never won elected office in this state. It

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has been shown in the past that if people knew that their name was subject to disclosure, they would not make contributions to the party or committee for fear of harassment.

II. Factual Background of the Freedom Socialist Party

The Freedom Socialist Party ("FSP") is a socialist-feminist Trotskyist party founded in Seattle, Washington. The FSP was founded by members of the SWP. The FSP holds views similar to the SWP on the need for social revolution but believed that the SWP underestimated the revolutionary leadership of women, blacks and other oppressed groups.

Because the FSP has similar views of the SWP and is thought to be associated with the SWP by the public, it too has been subject to governmental surveillance and harassment and harassment and discrimination by the public. It is a minor party who last ran a candidate in Washington in 1967. No one from this party holds public office in this state.

III. History of SWP's and FSP's Reporting Modification Requests.

In 1974, the SWP requested a reporting modification for their 1974 campaign. This request is similar to the one now being requested. In March, 1975, the PDC issued its Finding, Conclusion and Order denying their request.

In 1975, the SWP again requested this reporting modification for their 1976 campaign. This time, however, the PDC granted a limited reporting modification. The campaign did not have to disclose contributors who resided in Washington and gave less than an aggregate of \$50.00, commercial vendors who were recipients of expenditures and they did not have to allow public inspection of their books and records.

After this decision, the 1974 and 1976 SWP Campaigns brought suit against the PDC in Thurston County Superior Court. Superior Court Judge Alexander basically ruled that due to the harassment and hardship encountered by the SWP, the PDC had to grant the campaigns an exemption from the reporting requirements. However, he said that the exemption did not have to be an absolute exemption from all the reporting requirements; the PDC could grant a limited exemption whereby the SWP would have to make certain disclosures. The PDC would have to substantiate, in their findings, that any disclosures that had to be made, would not result in harassment or hardship to the party or the people who were disclosed.

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Based on this decision, the PDC issued a Supplemental Findings and Conclusions and Order. The PDC required disclosure of the names and addresses of individuals whose aggregate contribution was \$750.00 or more, all persons who voluntarily and publicly identified themselves with the Party or the Campaign and the SWP itself. For those contributors who did not have to be disclosed, an alphabetic or numeric code could be used to identify the contributor. The PDC also required disclosure of the following recipients of expenditures: governmental entities, other political committees or persons who publicly identified themselves with the Party or Campaigns. Nondisclosable recipients of expenditures would be identified by alphabetic or numeric code. The campaign was still not required to have their books and records open for public inspection.

The last reporting modification request by the SWP was in 1978. The PDC granted a limited exemption similar to the Supplemental Order referenced above. Since this is the last order issued by the PDC, I have attached a copy for your reference.

The FSP has not run a candidate for elected office since 1967. Because of this, it does not appear that they have previously made any reporting modification requests in Washington. However, they did run a candidate for governor in California in 1990. For this campaign, California did grant the FSP an exemption from reporting the names and addresses of their contributors and recipients of disbursements.

IV. History of the Law Regarding Disclosure Exemptions for the SWP and Minor Political Committees

Disclosure requirements as applicable to minor political parties have been the subject of many court cases due to the implications on the First Amendment. In 1976, the United States Supreme Court, in Buckley v. Valeo, 424 U.S. 1 (1976), stated that under certain circumstances, the disclosure requirements, as applied to a minor party, would be unconstitutional because the threat to the exercise of First Amendment rights resulting from disclosure would outweigh the interest of disclosure. The court further stated that there must be flexibility given to the party's proof of injury and that this evidence need only show a "reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties." Valeo at 74.

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This standard was affirmed by the court in 1982 in Brown v. Socialist Workers '74 Campaign Committee (Ohio), 459 U.S. 87 (1982). The court granted the SWP an exemption from state disclosure requirements based on proof of specific incidents of hostility and the long history of surveillance and disruption of the SWP. This exemption went to the names and addresses of contributors and recipients of disbursements of SWP campaign funds.

This standard has been applied by courts throughout the United States. In each instance, at least some exemption from disclosure has been granted.

V. Current State of the Law Regarding Reporting Modification Exemptions for Minor Parties

In Washington, a reporting modification can be granted if two criteria are met:

1. Literal compliance with the reporting requirements would work a manifestly unreasonable hardship and
2. The modification would not frustrate the purposes of this chapter.

These criteria must be applied using the standards set forth in the above-referenced Supreme Court cases.

In July, 1990, the Socialist Workers Party National Campaign Committee requested an advisory opinion from the Federal Election Committee ("FEC") concerning reporting exemptions under the federal disclosure laws. In a letter dated August 21, 1990 (copy enclosed), the FEC granted the exemption for the 1991 through 1996 campaigns. (The PDC should only be looking at whether to grant the exemption for the 1991 campaign in Washington.) The FEC based its exemption on proof of the long history of surveillance and harassment, fairly recent and specific incidents of harassment and violence throughout the United States and the recent court cases that have dealt with this issue.

Along with the FEC decision, the SWP has submitted affidavits and newspaper articles to support their decision. At least one affidavit, the statement by Robert Bruneau, Candidate for Seattle City Council, deals with a recent incident of harassment in Washington State.

The FSP has also attached documents with their request. The attached affidavits and articles show both a history of

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harassment and current incidences of hostility and harassment towards the party and its members.

VI. Conclusion

I hope this gives you some ^{INSIGHT (M)} ~~insite~~ to both the history and the current state of the law regarding disclosure exemptions for controversially minor political committees. I will be happy to answer any questions you may have at the commission meeting.



ROSELYN MARCUS
Assistant Attorney General



BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION)	PDC NO. 696
OF THE 1977 SEATTLE SOCIALIST)	FINDINGS, CONCLUSIONS
WORKERS CAMPAIGN FOR A)	AND ORDER
REPORTING MODIFICATION)	
)	

I.

This matter came on for final hearing before the Public Disclosure Commission on January 17, 1978, on the application of the 1977 Seattle Socialist Workers Campaign for a modification of the reporting requirements of chapter 42.17 RCW. Three successive hearings were duly scheduled and held pursuant to RCW 42.17.370(9) and WAC 390-28 before Alfred Harsch, serving as hearing officer under the provisions of WAC 390-28-050(b) and WAC 390-28-060. The first hearing was scheduled in the conference room of the Public Disclosure Commission, 403 Evergreen Plaza, Olympia, Washington, on August 2, 1977 and continued to August 17, 1977, at request of applicant. The second hearing was held in the office of the Attorney General, 14th floor, Dexter Horton Building, Seattle, Washington, on September 1, 1977. The third hearing was held in the conference room of the Public Disclosure Commission, 403 Evergreen Plaza, Olympia, Washington, on December 14, 1977. The applicant was represented at the first two hearings by Ms. Janice Whitley, cooperating attorney for the American Civil Liberties Union, Seattle, Washington, and at the third hearing by Mr. David F. Stobaugh, attorney at law of the firm of Bendich, Stobaugh, and Strong, Seattle, Washington. Mr. James R. Tuttle,

assistant attorney general, appeared as representative of the staff of the Public Disclosure Commission. 84

II.

The applicant, 1977 Seattle Socialist Workers Campaign, requests a modification of the reporting requirements of RCW 42.17 which would otherwise (1) require the Campaign to report the names and addresses of individual contributors, (2) require the Campaign to report the names and addresses of recipients of expenditures made by the Campaign and (3) require the Campaign to specify the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.065 and 42.17.080.

Upon the basis of the testimony presented, the exhibits admitted and the arguments of counsel before the hearing officer and a review of the entire record, the Public Disclosure Commission makes the following

FINDINGS

1. The 1977 Seattle Socialist Workers Campaign (hereinafter referred to as "Campaign") was established in February, 1977, for the purposes of supporting five designated individuals as candidates for the offices of mayor and council member of the City of Seattle in the year 1977. As such the Campaign is a political committee subject to the provisions of RCW 42.17.040 through 42.17.090 relating to campaign financing and particularly to the reporting of campaign contributions and expenditures.

2. The Campaign is separate from but serves as a political committee of the Socialist Workers Party, a national and state

political organization. The Campaign and the candidates it supports are ideologically identified with, subscribe to and espouse the policies, platform and views of the Socialist Workers Party. § 5

3. Unless otherwise excused the Campaign is required, under the provisions of RCW 42.17.030, to prepare and file with the Public Disclosure Commission and the auditor of King County certain statements including, inter alia, under the provisions of RCW 42.17.090, the name and address of each contributor of ten dollars or more, in the aggregate, and the name and address of each person to whom an expenditure in the aggregate amount of twenty-five dollars or more was made during the period of the committee's existence.

4. The Socialist Workers Party was established in the year 1938 and it has participated in electoral politics at the national, state and local levels since it was founded, nominating candidates for national, state and local offices. The basic philosophy of the Party is to replace capitalism in the United States with socialism. The Party is a minor political party and no candidate supported by it has been elected to office in the State of Washington or to an elective office at the federal level. By reason of the economic, social and political views it espouses the Party and its members are regarded with great disfavor by many people in the United States.

5. Beginning some time in 1960 the Federal Bureau of Investigation (hereinafter referred to as FBI) instituted a "counterintelligence program" designed to obstruct the efforts

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of the Socialist Workers Party, its election campaign committees, and its members from effectively participating in election campaigns at the national, state and local levels. The procedures employed in this program have become known in recent years from FBI records made public under the Freedom of Information Act. Tactics included surveillance of Party and campaign committee offices and activities therein, infiltration of the Party structure by undercover personnel, use of informers to obtain lists of members and supporters and other information, interviews with and interrogation of its identified supporters and their families, neighbors, friends, employers, etc., release of information (whether true or false) designed to discourage support of the Party and/or the candidates it endorsed, and various procedures to create distrust of individuals who gave such support.

6. Although official announcement of termination of this counterintelligence program was made in 1971 information made public by more recent media and congressional investigations, together with official statements contradictory of official announcement previously made, have created reasonable belief in the minds of many individuals, including those sympathetic with the principles of the Socialist Workers Party, that the FBI has not effectively terminated this program but merely shifted it to another enforcement unit or, if actually terminated, that it may be surreptitiously resumed at any time. Such doubts on the part of potential supporters of the Party and its political committees, with attendant fear of possible surveillance, harassment and reprisal directed against such supporters may be sufficient

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to deter individuals from providing support of the Campaign by many of the small contributors upon whom the Campaign relies to promote election of its candidates for Seattle city offices as well as to deter commercial suppliers of goods and services to refuse to provide such goods and services, even though for full compensation, from entering into business transactions with the Campaign.

7. For a number of years the Police Department of the City of Seattle has supplemented the program of the FBI with respect to surveillance of the headquarters of the Socialist Workers Party and its campaign committees as well as of certain individuals participating in their political activities. Responsible representatives of the Department state that such surveillance and contemporaneous maintenance of intelligence files with respect to various members and supporters of the Party and its campaign committees were solely for the purpose of law enforcement. They further state that in the year 1977 the Department maintains intelligence files only for enforcement of the criminal laws and with respect to persons who may be engaged in criminal activity.

8. It has not been established that the Socialist Workers Party itself would have been subjected to increased surveillance or harassment in 1977 if it were reported as a contributor to the 1977 Campaign.

9. It has not been established that either contributors to or recipients of expenditures by the 1977 Campaign voluntarily and publicly identified themselves with the Socialist

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Workers Party as candidates or by allowing themselves to be identified as participants in or on Party or Campaign advertising, publications, or reports filed with the Public Disclosure Commission, would have been subjected to increased surveillance or harassment in 1977 as a result of having their names reported under chapter 42.17 RCW.

10. It has not been established that certain recipients of Campaign expenditures over \$25.00, specifically governmental entities and other political committees, would have been subjected to increased surveillance or harassment in 1977 as a result of being so identified pursuant to chapter 42.17 RCW.

11. The use of an alphabetic and/or numeric code to identify contributors to and recipients of expenditures by the 1977 Campaign, with the addresses of such contributors listed only by city and state, would not have resulted and will not result in any significant hardship to any person, and such information would be of value for statistical and other research purposes.

12. The Campaign seeks contributions not only from members of the Socialist Workers Party but also from non-members who wish to support the platform of the Party and the election of candidates supported by the Campaign. Several individuals connected with the Campaign testified that potential supporters have stated that he or she would refuse to contribute to the Campaign if his or her name and address would be listed and filed in accordance with the Public Disclosure Law, fearing that such disclosure would subject him or her to surveillance,

Findings, Conclusions & Order: 6

harassment or reprisal of the type to which other supporters of the Socialist Workers Party or its election campaign committees had been subjected in the past. No contributor or potential contributor was present to so testify. It was stated that any such refusal would be a substantial hardship because few if any contributions received are large in amount and the Campaign cannot afford to lose any of its potential contributors.

13. From the reports which have been filed with the Commission it appears that the total contributions received by the 1977 Seattle Campaign was \$3,658.36, of which \$1,088.49 was returned to contributors and \$2,564.87 expended during the course of the campaign. It also appears that the maximum contribution received from an individual contributor was less than \$400.00 and that not more than twenty-four contributions exceeded one hundred dollars in aggregate amount.

14. As stated in RCW 42.17.010 the declared policies of the Public Disclosure Law are (a) that political campaign contributions and expenditures be fully disclosed to the public, (b) that small contributions by individual contributors are to be encouraged and that not requiring the reporting of small contributions may tend to encourage such contributions, and (c) that the public's right to know of the financing of political campaigns far outweighs any right that these matters remain secret. It is further provided that "In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that ll persons reporting under

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this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed." RCW 42.17.010(1), (9), (10) and (11).

Having made the foregoing Findings, the Commission now reaches the following

CONCLUSIONS

1. The evidence and records in these matters indicate that disclosure as required by chapter 42.17 RCW of the names and addresses of many of the contributors to and recipients of expenditures by the 1977 Campaign would have been perceived likely in that year to lead to increased surveillance and harassment of such persons.

2. The perceived likelihood of such surveillance and harassment in 1977 attributable to a literal application of chapter 42.17 RCW reporting requirements constituted a manifestly unreasonable hardship to those contributors and recipients and it would not frustrate the purposes of that chapter if the 1977 Campaign were not required to report the names and addresses of such persons, except as noted below.

3. For the reasons noted in the above Findings, the following contributors and recipients of expenditures would not have been subject to a manifestly unreasonable hardship through an increased likelihood of surveillance or harassment in 1977 if their names were reported by the Campaign as literally required pursuant to the political committee provisions of chapter 42.17 RCW:

(a) The Socialist Workers Party as a contributor;

- (b) persons who voluntarily and publicly identified themselves with the Socialist Workers Party or Campaigns, as discussed in Findings No. 9;
- (c) governmental entities and political organizations or committees which were recipients of expenditures by the Campaigns of over \$25.00.

4. Any request for suspension or modification of reporting requirements in these particular cases which is not based on a showing of manifestly unreasonable hardship, such as those requests applicable to the persons described in parts (a), (b) and (c) of Conclusion 3, would, if granted, frustrate the purposes of chapter 42.17 RCW.

5. Under the circumstances shown to exist at this time the protection of contributors to the election campaign of a minor political party is consistent with the stated policy of the law to encourage contributions of small amounts by individual contributors but in the case of contributors of substantial amounts the need for such protection is outweighed by the public interest in, and the public's right to know, the identity of such contributors and the amount each contributes to the campaign; and the threshold for reporting the name and address of a contributor and of a person to whom the Campaign makes payment of an expenditure should be five hundred dollars (\$500.00). Such reporting coupled with reporting of each contributor and each payee of less than five hundred dollars by symbol rather than by name and address will not frustrate the purposes of the act under those circumstances.

6. Although the law enforcement agencies assert that they do not at this time engage in activities designed to hinder or

obstruct legitimate participation in the political process, by reason of reported actions of these agencies in recent times, there is at this time a reasonable basis for apprehension on the part of members of the Socialist Workers Party and the supporters and suppliers of the Campaign that repressive actions either continue or will be resumed by the law enforcement agencies.

Having made and reached the foregoing FINDINGS and CONCLUSIONS, the Commission now issues the following

ORDER

1. The Campaign, in lieu of reporting the name of a contributor who is an individual and whose aggregate contribution was less than \$500.00, may identify such contributor by use of an alphabetic and/or numeric code. The code assigned to a particular contributor shall be used to identify that individual throughout the duration of the campaign and may not be assigned to any other person reported as a contributor or recipient of an expenditure. The reporting of the address of each contributor may be limited to the city and state of residence. Specifically excluded from this modified reporting privilege are (a) the Socialist Workers Party and (b) each person who has voluntarily and publicly identified himself or herself with either the Party or the Campaign, as by declaring himself or herself as a Socialist Workers Party candidate or by allowing himself or herself to be identified as a participant in or on Party or Campaign advertising, publications, or reports filed with the Public Disclosure Commission.

2. The Campaign, in lieu of reporting the names of each commercial vendor or other person to whom expenditures were

may identify such expenditure recipient by use of an alphabetic and/or numeric code. The code assigned to a particular expenditure recipient shall be used to identify that person throughout the duration of the Campaign and may not be assigned to any other person reported. The reporting of the address of each expenditure recipient may be limited to the city and state in which the recipient is located. Specifically excluded from this modified reporting privilege are each (a) governmental entity, (b) other political committee, or (c) person identified in paragraph 1. (b) above, to any of which an expenditure of more than \$25.00 was made.

3. The Campaign shall not be required to report the times and places at which books of account are available for public inspection, but such books of account shall be available for inspection and audit by the Commission in the regular course for the purpose of ascertaining the completeness and accuracy of such records. Books of account and copies thereof utilized in the course of any such examination shall be recognized as exempt from public inspection and copying pursuant to the provisions of RCW 42.17.310(1)(d).

4. In all other respects the applicant shall comply fully with the provisions of chapter 42.17 RCW.

5. The meanings of terms used in this Order and the accompanying Findings and Conclusions shall be derived from chapter 42.17 RCW and WAC chapter 390 where appropriate.

DATED this 21st day of February, 1978.

FOR THE PUBLIC DISCLOSURE COMMISSION



 Graham E. Johnson, Administrator

This order was reviewed and ratified by a majority of the membership of the Commission at a regular meeting February 21, 1978. The commissioners voting to grant the request are as follows:

- Mrs. Jean Davis, Chairman
- Mrs. Virginia Gregson, Secretary
- Mr. Fred K. Ross
- Mr. Malachy M. Scanlan

SOCIALISTS' PRIVACY CONCERNS

Campaign disclosure must be a level field

WATERING down campaign-disclosure laws with exemptions cheats voters, who have a right to know the source of support of all candidates. It is a simple matter of candidates participating on an even playing field.

Why? - for instance - should Heidi Durham, Freedom Socialist Party candidate for Seattle City Council Position 1, be able to criticize an opponent's support from developers without saying who is backing her?

Durham and Yolanda Alaniz, Freedom Socialist Party candidate for Seattle City Council Position 5, have asked the city Board of Elections for an exemption from the disclosure law.

They have raised \$5,000, making them eligible for \$5,000 in city matching funds. But they have promised their contributors anonymity. Socialist Worker Party candidates for City Council share the same privacy concern.

A revised city election code allows an exemption if it can be shown that disclosure could lead to harassment of campaign contributors. That is a longstanding and legitimate concern of minority parties.

Durham and Alaniz are forceful spokeswomen for Freedom Socialist issues. They could be just as effective without bringing party labels to their nonpartisan candidacies.

It would be naive to think other candidates don't have Democratic or Republican ties and support. But they still file as nonpartisans.

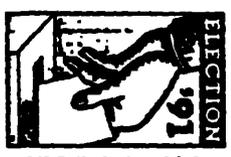
That's what candidates with minority-party ties should do in nonpartisan races. Then the focus would be where it belongs - on the message of candidates such as Durham and Alaniz, not on party affiliation or privacy.

Seattle Times 8-26-71

Socialists win privacy fight

Seattle Times - 8/29/71

By Mark Matassa
Times Olympia bureau



OLYMPIA - Socialist candidates on the ballot for this fall and next year won't have to disclose their financial supporters, under a new ruling by the state Public Disclosure Commission.

According to McCarthyism and to recent cases of harassment, the commission yesterday vetoed the disclosure laws for Socialist political parties whose candidates are running for Seattle City Council and the Seattle School Board. Forcing the Freedom Socialist Party, the Socialist Workers Party or their candidates to disclose

contributors, as other parties and candidates are required to do, could have a chilling effect on donations, said commission members in the 3-0 vote.

They said they agreed with party officials who argued that would-be contributors are staying away because they fear being harassed if their names and addresses are made public.

Contributors still must abide by a Seattle law limiting donations to \$350 per candidate, but the parties can track the contributions with coded numbers rather than with names and addresses, the commission ruled.

After the meeting, however, Freedom Socialist Party officials said the ruling didn't go far enough. Doug Barnes, the party's campaign manager, said he was disappointed the commission retained

its right to audit the party's books. Under the party's proposal, a third-party accountant would be responsible for monitoring the party's compliance with campaign laws.

The danger, Barnes said, is that the commission will audit the party's books and that a list of contributors then could be made public through a freedom-of-information request. As long as there is a chance of being named publicly, he said, many people will not give money to the Freedom Socialists.

Barnes said he and other party members have received hate mail and threats of violence, and some members have lost their jobs because of their affiliation with the party.

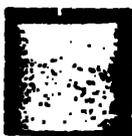
Commissioner Alma Hansen said the commission favors protecting minor-party contributors from harassment, but isn't willing

to give up its right to review records.

Barnes describes the Freedom Socialist Party as a "socialist-feminist Trotskyist" group founded in Seattle by former members of the Socialist Workers Party in 1966.

The groups both advocate socialist revolution in the United States, he said, but the Freedom Socialists have emphasized the rights of women, minorities and lesbians and gays.

The Freedom Socialist Party candidates for City Council are Yolanda Alaniz and Heidi Durham. Council candidates from the Socialist Workers Party are Stuart Cronin, Jeff Ford, Ken Kawakubo, Mark Sevens and Kathy Wheeler. Also, Bob Brunson is a Socialist Workers candidate for the Seattle School Board.



Socialist Workers 1992 Washington State Campaign Committee

1405 E. Madison, Seattle WA 98122 (206) 323-1755

James Warren for U.S. President Estelle DeBates for Vice-president
Mark Severs for U.S. Senate David Warshawsky for Congress 7th CD Kathleen Wheeler for Governor

June 10, 1992

Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504

To the Commissioners,

We hereby request exemption from disclosing the identities of contributors to and recipients of campaign funds as required by RCW 42.17.080 and RCW 42.17.090. We request the exemption for the Socialist Workers 1992 Washington State Campaign Committee and for individual Socialist Workers candidates for state and local office in Washington.

The Socialist Workers 1992 Washington State Campaign Committee has been established for the purpose of supporting and organizing the finances of all Socialist Workers candidates in Washington. This year Socialist Workers candidates are James Warren for U.S. president, Estelle DeBates for vice-president, Mark Severs for U.S. Senate, David Warshawsky for Congress, 7th Congressional District, and Kathleen Wheeler for Governor.

Socialist Workers candidates for federal offices are exempted from disclosing names and addresses under a Federal Election Commission 1990 advisory opinion [1990-13]. Copies of all reports filed with the FEC for Socialist Workers candidates running for federal office in Washington will be filed with the

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Exhibit G - some pages omitted

Washington State Public Disclosure Commission.

Specifically, we request exemption from disclosing the names and address of contributors to and recipients of campaign funds as required under RCW 42.17.080 (3) and RCW 42.17.090 (b), (f), (g). We also request exemption from making the campaign books of account available to public inspection as required under RCW 42.17.080 (4).

This exemption is necessary as such compelled disclosure would operate to deprive Socialist Workers candidates and their supporters of rights guaranteed by the First Amendment to the U.S. Constitution because of the likelihood of harassment resulting from such disclosure.

We request the PDC to authorize the exemption through 1997. The conditions making the exemption necessary are ongoing, and it would be an unnecessary burden on Socialist Workers campaign committees to be required to make a new application every year. We intend to run candidates in state and local elections every year.

A similar modification of reporting requirements for the Socialist Workers 1991 Campaign Committee and candidates was granted by the Washington State PDC (See PDC No. 1631 Findings, Conclusions and Order August 2, 1991) and by the City of Seattle Fair Campaign Practices Commission (See attached). The City of Seattle FCPC authorized the exemption through 1992.

The current request is also similar to those which have been granted by U.S. Supreme Court and several Federal District Courts

in cases involving Socialist Workers candidates. See *Brown v. Socialist Workers 1974 Campaign Committee (Ohio)*, 459 U.S. 87 (1982). The U.S. Supreme Court found that "hostility towards the SWP is ingrained and likely to continue" (459 U.S. at 101) and exempted Socialist Workers campaign committees and candidates from disclosing both contributors to and recipients of campaign funds. See also *McArthur v. Smith* 716F Supp. 592 (S.D. Fla. 1989), where the Federal District Court ruled unconstitutional certain Florida campaign disclosure laws as applied to Socialist Workers candidates in Miami's non-partisan mayoral race.

The exemption requested is also similar to that granted by the FEC to Socialist Workers campaign committees and candidates running for federal office. The FEC exemption was extended in 1990 to apply to all federal elections through the year 1996.

In 1977 a Socialist Workers campaign committee requested and received a PDC exemption from disclosing the identities of campaign contributors and recipients of campaign funds. Since then, Socialist Workers candidates have regularly run in the State of Washington for federal, state, and local offices. The Socialist Workers campaign committees have filed reports required under federal, state, and municipal laws, but have not disclosed the identities of contributors to or recipients of campaign funds.

With this application, we include the text of Federal District Court Judge Thomas Griesa's ruling in the case *SWP v. Attorney General*, 642 F. Supp (S.P.N.Y. 1986) Judge Griesa ruled

in favor of the Socialist Workers Party and against the United States of America under the Federal Tort Claims Act for disruptive activities, surreptitious entries, and use of informants by the FBI. This case and the facts presented in it document the decades-long history of governmental harassment of the Socialist Workers Party and Socialist Workers candidates and supporters.

The court documented harassment beginning in 1941 that resulted in the illegal compiling of hundreds of thousands of documents on SWP members and supporters. Between 1960 and 1976 the FBI employed approximately 1300 informants who reported on meetings, activities, and discussions of SWP members and supporters. In the 1960's and 70's the SWP was the subject of an FBI counterintelligence program designed to disrupt the party on a national basis. The illegal disruption efforts included attempts to embarrass Socialist Workers candidates and widespread use of electronic surveillance, illegal break-ins of SWP offices, and visits to employers and landlords of SWP members, [cited in FEC Advisory Opinion 1990-13 pp. 7-9].

Furthermore, affidavits submitted by officials of the Office of Personnel Management, the State Department, the Immigration and Naturalization Service, and the Defense Investigative Service in the case *SWP v. Attorney General*, 666 F. Supp. 621 (S.D.N.Y. 1987) indicate a continued hostile attitude on the part of these government agencies toward the Socialist Workers Party, its members, and supporters, [cited in FEC Advisory Opinion 1990-13 pp. 9-10].

The Advisory Opinion 1990-13 of the Federal Election Commission also cites numerous instances of harassment of Socialist Workers candidates by police and private individuals throughout the United States in 1988-1989 and 1990.

We also bring to the Commission's attention the 1989 Federal District Court ruling that certain Florida campaign disclosure laws were unconstitutional as applied to Socialist Workers candidates in Miami's non-partisan mayoral race given "the danger in Miami of publicly associating with the SWP." 716 F. Supp. at 593 (McArthur v. Smith, 716 F. Supp. S.D.Fla 1989)

Incidents of harassment and threats against SWP candidates and their supporters both here and around the country have continued.

Within the last 18 months, there have been several incidents of this type of harassment in Washington State. In our 1991 application for exemption, we cited the examples of Socialist Workers candidates Bob Bruneau, Ken Kawakubo, and Stuart Crome, all of whom were victims of acts of harassment by employers or private individuals. (See attached)

This year Socialist Workers candidates and supporters have again encountered this type of harassment and intimidation.

One of the most serious of these has been in Minnesota where Chris Nisan, Socialist Workers candidate for U.S. Congress 5th District and a prominent leader in the fight against police brutality, has received several telephone death threats at his home. (See attached article)

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On May 27, 1992, David Warshawsky, Socialist Workers candidate for Congress 7th C.D., and a campaign supporter were harassed and physically threatened outside a public market on Broadway in Seattle. (See attached statement)

A similar incident occurred in Mt. Vernon, Washington, involving Anna M. Schell, Socialist Workers 1992 Washington State Campaign Committee Chairperson. In this instance, an individual hostile to political views espoused by Socialist Workers candidates summoned police in an attempt to stop Schell from her campaign activity.

In 1991 lists of supporters and financial contributors to Initiative 120 were used by opponents of the pro-choice initiative to intimidate and harass supporters of the initiative. Over 2,000 supporters received a threatening mailing attempting to get them to withdraw their support and financial backing. The mailings identified individuals by name and noted the amount of money the addressees had contributed to Initiative 120.

The office of the Socialist Workers campaign committee in Seattle has also received written material of a threatening nature. For example, we recently received a bundle of newspapers through the U.S. Postal Service on which the words "Never Again to communist lies Remorseless degenerates" were written on the outside wrapper. (See attached)

In the past year there have been well-publicized incidents of racist activity, harassment, and assault in the State of Washington. Socialist Workers candidates are outspoken defenders

of Black rights, against police brutality, for affirmative action, and for desegregation, [see attached campaign statements and press clippings]. Compelled disclosure of the identities of their campaign supporters would open them to threats, harassment, and reprisals by those who have carried out racist and anti-working class acts in the past. We enclose examples of several such incidents.

In addition, the likelihood of such harassment would make it difficult for the Socialist Workers candidates to raise the donations needed to sustain their campaign, since potential contributors would be afraid to contribute if their identities were to be made public. It is, for example, a common occurrence for a person considering contributing money to or signing up on an interest sheet of the Socialist Workers campaign to ask if their name would be turned over to the government.

Thus, there is compelling evidence that disclosure of the names and addresses of supporters of the Socialist Workers candidates would subject them to threats, harassment, or reprisals from governmental or private sources. Compelled disclosure of the names and addresses of persons who contribute would have a chilling effect on the Socialist Workers campaign committees' and candidates' ability to solicit and collect campaign funds. Compelled disclosure of the names and addresses of vendors who supply goods and services would have a chilling effect on the campaign committees' and candidates' ability to purchase necessary campaign materials and services. Thus, compelled disclosure

would be a grave violation of the First Amendment rights to free political association.

Therefore, we request the PDC exempt the Socialist Workers Campaign Committee and individual Socialist Workers candidates from the requirement to disclose the names and addresses of campaign contributors and recipients, from the requirement to make the campaign books of account available for public inspection, and that this exemption be continued through the 1997 elections.



Ken Kawakubo, Treasurer

Socialist Workers 1992
Washington State Campaign Committee

In the full January submission to the FEC article and document related to Exhibit 45 and declarations of individuals were included as exhibits to this letter. These declarations were also submitted to FEC as Exhibits 44, 47, 54, 55, and 61. Exhibits 54, 55, and 61 are reproduced later in this redaction.

Socialist Workers 1993 Washington State Campaign
1405 E. Madison Seattle WA 98122 Phone (206) 323-1755

June 22, 1993

Public Disclosure Commission
711 Capitol Way Rm. 403
Olympia, WA 98504

To the Commission,

The Socialist Workers Campaign Committee requests an extension of its exemption from disclosing the identities of contributors and recipients of campaign funds as granted by the Commission in Order No. 1706.

Disclosing this information would open campaign supporters to the danger of harassment, intimidation, and reprisals by government agencies and/or private parties and is therefore an unconstitutional denial of First Amendment rights.

Socialist Workers campaign committees will continue to comply with applicable campaign finance laws, including filing required financial reports. The identities of contributors and recipients of campaign funds would be protected through use of alpha-numeric codes in place of the individual's name and address. In addition, the campaign books would not be made available for public inspection, as this would be impossible without disclosing the identities of contributors and recipients.

United States Federal Courts, the United States Supreme Court, and the Federal Election Commission have consistently ruled in favor of exempting Socialist Workers campaign committees in various states from the identification requirements of Public Disclosure Acts. (See below).

In 1991 and 1992, the Washington State Public Disclosure Commission authorized an exemption for Socialist Workers Campaign Committees similar to the one now requested. However, these exemptions were for one year only, requiring the Socialist Workers Campaign Committee to appear before the Commission every year.

The Federal courts have placed no expiration date on the exemptions from disclosure requirements for Socialist Workers campaign committees in other

Exhibit H - some pages omitted

jurisdictions. The Federal Election Commission has in 1979, 1985, and 1990 authorized exemptions for periods of five or six years. The current exemption granted by the FEC runs through the 1996 campaign year.

We request that the PDC also authorize a continuing exemption, at a minimum to run concurrent with the term of the national FEC exemption.

This is warranted and necessary because:

- 1) Important constitutional rights are involved and the compelled disclosure in any state of the United States would have a chilling impact upon Socialist Workers candidates, their supporters, and many others engaged in or supporting electoral and other political expression throughout the country.
- 2) The conditions making the exemption necessary do not change significantly each year.
- 3) It is an undue burden on the limited financial resources and time available to a small party such as the Socialist Workers Party to be required to document, prepare, and submit this annual request to the PDC.
- 4) The federal exemption relieves the Socialist Workers Party from reporting the names of contributors whose funds will be used to finance SWP candidates running for federal offices. The exemption granted by the federal courts, based on the U.S. Constitution, preempts the application of state Public Disclosure Acts. Because contributions given to Socialist Workers Campaign Committees are used to support both federal and state candidates, the federal exemption applies to funds donated to the Committee. Even in the event that a donation was received specifically for the support of a local candidate, the federal court's consistent reasoning that SWP candidates are exempt based on the U.S. Constitution would preclude the application of a state disclosure law. As the Federal Election Commission has granted an extension of the present exemption through 1996, the Socialist Workers Washington State Campaign Committee requests a parallel extension of its present state exemption.

LEGAL HISTORY

In 1976 the U.S. Supreme Court ruled that campaign disclosure requirements as applied to a minor political party could be unconstitutional because of the threat to the exercise of First Amendment rights resulting from the disclosure. In Buckley v. Valeo, 424 U.S. 1 (1976) the Court stated "we have

repeatedly found that compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." Buckley v. Valeo at 64.

"Minor parties must be allowed sufficient flexibility in the proof of injury to assure a fair consideration of their claim. The evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors will subject them to threats, harassment, or reprisals from either Government officials or private parties." Id. at 74.

In 1982, the U.S. Supreme Court ruled that disclosure required by the Ohio Campaign Expense Reporting Law cannot be constitutionally applied to the Socialist Workers Party. Brown v. Socialist Workers '74 Campaign Committee 459 U.S. 87 (1982). In this decision, the Court protected the identities of both contributors and recipients of campaign funds. The Court noted that the Federal District Court for the Southern District of Ohio found "substantial evidence of both governmental and private hostility toward and harassment of SWP members and supporters." Id. at 99. The Court stated that "there was also considerable evidence of past Government harassment. Appellants challenge the relevance of this evidence of government harassment in light of recent efforts to curb official misconduct. Notwithstanding these efforts, the evidence suggests that hostility toward the SWP is ingrained and likely to continue." Id. at 101.

In 1986, the Socialist Workers Party won a Federal court ruling against the FBI and other Federal agencies responsible for decades of illegal and unconstitutional spying, harassment, and disruption. The court awarded the SWP damages "for the FBI's disruption activities, surreptitious entries, and use of informants...these activities were violations of the constitutional rights of the SWP and lacked legislative or regulatory authority." Socialist Workers Party v. Attorney General, 642 F. Supp. 1357 (S.D.N.Y. 1986).

The 1986 decision cited numerous incidents where SWP candidates and campaign supporters were targets of FBI harassment and reprisals, including government-instigated slander campaigns in the news media, and pressure on employers to fire and landlords to evict Socialist Workers candidates and supporters. The government used informers and organized break-ins at Socialist Workers campaign offices to illegally obtain lists of individuals to target.

The Federal Election Commission has also exempted the Socialist Workers Party from disclosure requirements under the Federal Election Campaign Act. The most recent decision, FEC Advisory Opinion 1990-13, extends this exemption through the 1996 election year.

"It appears that, during the past five years, the SWP has continued to experience harassment from several sources," the FEC noted in 1990. "The recent events cited, along with the history of governmental harassment, indicate that there is a reasonable probability that compelled disclosure of the names, addresses, occupations, and names of employers of those categories of persons listed in the 1979 and 1985 consent agreements will subject them to threats, harassment, or reprisals from governmental or private sources."

In McArthur v. Smith, the Federal District Court for Southern Florida ruled that Florida campaign disclosure requirements could not be applied to the Socialist Workers Party in Miami's non-partisan mayoral election. McArthur v. Smith, 716 F. Supp. 592 (S.D. Fla. 1989). "The First Amendment requires heightened protection of dissident minor parties to encourage the 'free circulation of ideas within and without the political arena.'" Id. at 593. "The fact that the plaintiffs would be subjected to threats, harassment, and reprisals if forced to disclose contributors' and recipients' names outweighs any distinction that the nonpartisan nature of the election has with respect to the applicability of Brown to this minor political party. First amendment protections do not hinge on whether an election ballot announces party affiliation." Id. at 594.

INCIDENTS OF HARASSMENT IN WASHINGTON STATE

In our 1991 and 1992 requests to the PDC, we documented numerous incidents of harassment that had occurred in Washington state. These included employers' threats of discipline and/or firing against Socialist Workers candidates because of their political views; physical threats by private individuals against Socialist Workers candidates who were campaigning on public streets; and attempts by police officers to stop legal campaigning by Socialist Workers campaign supporters. In addition, we noted the abusive use of lists of contributors to the pro-choice Initiative 120 in 1991. Opponents of the measure obtained lists of names and addresses of I-120 supporters and use them to send abusive and harassing letters through the mail.

Since our 1992 request to the PDC, Socialist Workers candidates and campaign supporters have experienced more instances of harassment, including:

* City of Seattle police attempted to stop Socialist Workers gubernatorial candidate Kathleen Wheeler and supporters from petitioning for ballot status on a public street corner.

* Threatening phone calls have been received at the Socialist Workers campaign headquarters.

* A campaign supporter was threatened by company supervisor at his workplace for expressing his political views.

* A Socialist Workers candidate faced threatening and abusive harassment at work after announcing his candidacy this year.

* Vandalism at the Socialist Workers campaign headquarters, when windows displaying political literature were defaced.

We append further documentation of these incidents and court rulings cited above.

Thank you for your attention to this matter.

Sincerely,
Mark Severs

Mark Severs,
Socialist Workers 1993

Washington

Washington State Campaign

enc.

In the full January submission to the FEC, declarations of individuals were included as exhibits to this letter. All but one of these declarations were also submitted to FEC as Exhibits 31, 34, 36, and 43. Exhibits 31 and 43 are reproduced later in this redaction.



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (206) 753-1111 • FAX: (206) 753-1112

BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION)	PDC NO. 1706
OF SOCIALIST WORKERS 1992 CAMPAIGN)	Findings, Conclusions
AND KATHLEEN WHEELER)	and Order
FOR A REPORTING MODIFICATION)	
)	

I.

This matter came on for hearing before the Public Disclosure Commission on the application of the Socialist Workers 1992 Campaign for a modification of the reporting requirements of RCW 42.17.065(2)(a and b); .065(5); .067(6); .080(4); and .090. Consideration of the request was made pursuant to RCW 42.17.370(9) and chapter 390-28 WAC by the entire Commission. The proceedings were held in the second floor conference room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, on the morning of June 23, 1992. Mark Severs and David Warshawsky, candidates for U.S. Congress, on behalf of the Party, by personal appearance, requested that the Socialist Workers 1992 campaign and Kathleen Wheeler, candidate for Governor, not be required to report the names and addresses of contributors to their campaigns or of vendors to whom the campaigns made expenditures. He further requested that original books and records of the campaigns not be available for public inspection.

II.

Based on the testimony offered at the hearing, the Commission made the following

FINDINGS OF FACT

1. The Socialist Workers 1992 Campaign is the election campaign committee of the Socialist Workers Party, a political party which receives funds and makes contributions to Washington state candidates and committees. The party sponsors candidates in state and local elections and has done so for many years. Thus far, no Socialist Workers candidate has been elected to public office in Washington state.
2. Kathleen Wheeler is a declared candidate for Governor in the 1992 election. She is identified with the platform, policies and views of the Socialist Workers Party.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."



**Socialist Workers 1992 Campaign
Page 2**

3. There is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide. The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action and similar, often controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization.

4. On several occasions in the past Socialist Workers campaigns and candidates have been either exempted from or granted modification of campaign reporting provisions of state and federal law because of the hardships met by the party if required to disclose campaign contributors' or vendors' names. The Socialist Workers Party and its candidates have not reported this information in the past in Washington state.

5. The Socialist Workers Party has run candidates in Washington state for federal, state and local office since 1978. No candidate has won election thus far.

6. There are instances where business owners fear they will also become the target of reprisals if it is known they do business with the party or its candidates.

7. Disclosure of the names and addresses of persons who contribute could have a chilling effect on the party's and candidate's ability to solicit and collect campaign funds.

8. Disclosure of the names and addresses of vendors who supply goods and services could have a chilling effect on the party's and candidate's ability to purchase necessary campaign materials and services.

III.

Having made these Findings of Fact, the Commission makes the following

CONCLUSIONS OF LAW

1. Literal compliance with all the provisions of the statute and the rules would work a manifestly unreasonable hardship on the applicant.

2. Limited suspension or modification of the reporting requirements of RCW 42.17 as specified in the Order would not frustrate the purposes of the Act in this particular case.

IV.

Having made these Findings of Fact and Conclusions of Law, the Commission issues the following

**Socialist Workers 1992 Campaign
Page 3**

ORDER

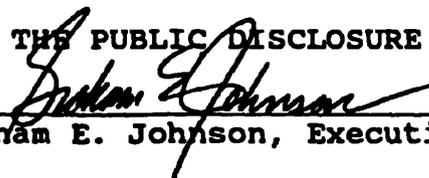
1. The applicant may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or received as an expenditure.

2. The applicants shall not be required to make their books and records of account available for public inspection during the last eight days prior to the election.

3. This modification shall be in effect through December 31, 1992.

4. In all other matters required to be reported, the applicant shall comply in full with the reporting requirements of chapter 42.17 RCW.

DATED this 23rd day of June, 1992.

FOR THE PUBLIC DISCLOSURE COMMISSION


Graham E. Johnson, Executive Director

The commissioners voting to grant the request are as follows:

- Douglas True, Chairman
- Alma Kimura, Vice Chairman
- Irene Heninger, Secretary
- Betty Shreve

Voting against granting the request:

Gene Struthers



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112

September 18, 1996

MARK EIDE
1025 SOUTH 320TH
FEDERAL WAY WA 98003

Subject: 1996 Reporting Modification for Socialist Workers Party 1996 Campaign

Dear Mr. Eide:

Enclosed is order Number 2055 for the reporting modification of the Socialist Workers Party 1996 Campaign. The modification is in effect through December 31, 1996. If a modification is desired in future years, a separate request will need to be made at that time.

If you have questions, please feel free to contact our office.

Sincerely,

Melissa Warheit
Executive Director

VSSWP96LTR.DOC

Enclosure

cc: Jeff Powers

Exhibit I - some pages omitted



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX: (360) 753-1112

October 10, 1995

JEFF POWERS
SOCIALIST WORKERS 1995 CAMPAIGN
1405 E MADISON
SEATTLE WA 98122

Subject: Reporting Modification

Dear Jeff:

We are in receipt of your letter sent by facsimile on August 22, 1995, requesting a renewal of PDC Order Number 1783, which was a reporting modification expiring December 31, 1993.

The staff feels your request for a renewal of the 1993 reporting modification should be considered by the Commission at the October 24, 1995 meeting, prior to the November election. Because the makeup of the Commission changes on an annual basis (a new commissioner is appointed each year) it would be appropriate for you to send a letter detailing your reasons for requesting a modification.

You need to state what reporting requirements you want modified. You then need to demonstrate that literal compliance with all the provisions of RCW 42.17 would work a manifestly unreasonable hardship on the applicant, and that limited suspension or modification of the reporting requirements would not frustrate the purposes of the act in your particular case. You should supplement your request with new arguments and updated examples, or cite your 1993 request and affidavits with a statement that nothing has changed since 1993.

Your written request and backup material need to be received by the Commission no later than October 16, 1995 to allow time to mail the information to the Commissioners prior to the hearing. At the hearing, we are asking that your representative limit their presentation to 20 minutes.

The staff would be in favor of adding a statement to the 1993 Order making it clear that the Public Disclosure Commission maintains its right to examine the books and records of the applicant, including names and addresses of contributors and vendors, if it feels the need to conduct such an examination.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

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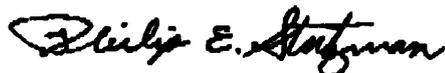
Jeff Powers
Socialist Workers 1995 Campaign
Page 2

We feel it is important to maintain the right to review the records of all filers. Without such a right, the Commission has no way of knowing whether the information that is being submitted is accurate. The staff would be supportive of keeping any information reviewed confidential, unless such information became evidence in an enforcement hearing where the applicant was named as a respondent.

If possible, the staff would like to work out mutually agreeable language for a "proposed order" to present to the commissioners on October 24th. I will be in contact with you shortly about that possibility.

If you have questions, please feel free to give me a call.

Sincerely,



Philip E. Stutzman
Compliance & Enforcement Coordinator

PHILACWOLPES

EIDE, VOGEL & PEACOCK

ATTORNEYS AT LAW

1028 SOUTH 320TH

FEDERAL WAY, WASHINGTON 98003

TELEPHONE
(206) 839-3131
(206) 927-3403

FAX
(206) 839-8545

ERNEST B. VOGEL
D. MARK EIDE
HEIDI R. PEACOCK

August 16, 1996

Public Disclosure Commission
P.O. Box 40908
Olympia, Wa. 98504-0908

Attention: Philip E. Stutzman

Re: 1996 Socialist Workers Party of Washington
Campaign Committee
Reporting Modification Request

Dear Commission Member:

I am an attorney representing the Socialist Workers Party of Washington (SWP). The 1996 Campaign Committee of the SWP is requesting a modification of reporting requirements consistent with the prior modifications granted by the Commission in recent years.

Those modifications essentially dealt with the following subjects:

1. That the Party could satisfy requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code number together with the amounts contributed or paid out as an expenditure;
2. That the Party would not be required to make their books and records of account available for public inspection during the last eight (8) days prior to any election;
3. (New) Because of recent changes in the law, that the Party not be required to disclose the occupation of any coded contributors and not be required to identify the contributor's employer.

The Party would like to have the above modifications applicable to the 1996 campaign and reporting requirements. All candidates would, of course, file C-1's and F-1's and any necessary C-3's and C-4's if applicable. While the Party is a bona fide Party, all expenditures are made from Party fund raising and it is unlikely individual candidates would solicit or accept individual contributions. For 1996 the Party would do all fund raising and expenditures on behalf of any candidate running under the Socialist Workers Party banner.

The Party is requesting these modifications because of the history of difficulty they have had with harassment, disruptive efforts by

Public Disclosure Commission
Page - 2

individuals and government agencies (primarily the federal government), and threats against individuals identified with having sympathies to the Party when they have made contributions or provided in kind services. This has been nationwide and in the State of Washington. The Party takes, what are considered by many, controversial stands on issues. As a result, candidates and Party supporters have been subjected to racial attacks, threats of violence, and in some cases actual violence against supporters, Party workers and candidates. We have attached for your review declarations from individuals associated with the Party which document some of the most recent incidents dating from last Fall to within the last several weeks.

While the Party has run candidates in Washington State for federal, state and local offices since 1978, no candidate has won election under the Party banner. Despite that fact, supporters and business owners who deal with the Party in providing campaign material have either been threatened or fear there will be reprisals against their companies because of their connection with the Party. Thus, there is a real and apparent chilling effect on the Party's ability to solicit and collect campaign funds, in kind support, and material, and to even find candidates. (This year the only state or local office filed for is governor.) Disclosure of the names and addresses of vendors, suppliers of goods and services and financial contributors runs a very real and historically substantiated risk of chilling free speech in the democratic process.

The Commission has in the past granted modifications consistent with those being requested herein. Current state and federal law allows such modifications if the Party shows a "reasonable probability that the compelled disclosure of a Party's contributor's name will subject them to threats, harassment, or reprisals from either government officials or private parties." Buckley v. Valeo, 424 U.S. 1 (1976). Given the prior history in this state and the Commission's prior granting of modifications and the evidence of harassment submitted with this request and witnesses we expect to have testify before the Commission, the Party respectfully requests that the modifications be granted.

For the reasons stated above, the Party requests that the Commission grant the reporting modifications which are consistent with the modifications received by the Party since at least 1991 in the State of Washington.

Very truly yours,

EIDE, VOGEL & PEACOCK

D. Mark Eide

*In the full January submission to the
FEC, declarations of individuals were
included as exhibits to this letter. All
but two were also submitted to FEC as
Exhibits 6, 9, 12, 15, and 18. Exhibit 15 is
reproduced later in this redaction*

MEMORANDUM

TO: Commissioners, Public Disclosure Commission

FROM: Philip E. Stutzman, Compliance & Enforcement Coordinator

DATE: August 19, 1996

SUBJECT: 1996 Reporting Modification - Socialist Workers Party (SWP)

Enclosed is a copy of the Socialist Workers Party's (SWP) request for a reporting modification for its 1996 campaign. The SWP has one candidate in 1996 at the state or local level, a candidate for the office of Governor. Attached is a copy of the 1993 Findings, Conclusions and Order for the SWP 1993 campaign, the most recent reporting modification on file.

The SWP is a bona fide minor political party in Washington state. As a political party, they are entitled to the contribution limits for political parties, which include accepting unlimited contributions from individuals and no more than \$2,750 from unions, political committees (other than party committees), and corporations. Also, party committees are entitled to make contributions to statewide executive and legislative candidates of \$.55 per registered voter per election cycle. Individual candidates for statewide office are limited to accepting no more than \$1,100 from individuals, unions, political committees (other than party committees), and corporations.

The SWP is a relatively small organization and its candidates sometimes serve on the finance committee of the party. The PDC staff feels the modification should insure that the integrity of the contribution limits set forth in RCW 42.17.640 be maintained. In 1996, the SWP's single candidate for governor will also serve on the party's finance committee. Therefore, staff suggests that wording be added to the modification saying that if the party accepts more than the candidate's limit for contributions (\$1,100 from individuals, unions, political committees other than party committees, and corporations) the party is to notify the PDC within 72 hours, identifying the contributor by code, and designating by name and amount the candidate(s) that will benefit from such contribution. Also, staff feels the modification should say that the amount designated to benefit a statewide candidate, coming from any one source, shall not exceed \$1,100 per election.

1996 Reporting Modification - Socialist Workers Party (SWP)
Page 2

Enclosed is a draft order for the 1996 reporting modification for the Socialist Workers Party (SWP). The draft attempts to include wording to maintain the integrity of contribution limits as they apply to this situation, including a requirement that coded contributors be identified as either individuals or non individuals. The draft also includes a statement requiring the party to obtain, but not disclose, the occupation and employer of certain contributors as required by WAC 390-16-034. The draft includes the most recent order (No. 1783) with new wording **bolded and underlined**. The modification applies only to the party itself, and does not cover the party's candidates. All candidates of the SWP are required to comply in full with the reporting requirements of chapter 42.17 RCW. Also enclosed for background information is a memo prepared by Assistant Attorney General Roselyn Marcus in 1991. The information in the memo is still valid.

Draft Order

1. The applicant may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or paid as an expenditure. The applicant shall identify each coded contributor as being either an individual or a non-individual. The applicant shall be required to obtain, but shall not be required to disclose the occupation of the contributor and the name and address of the contributor's employer, as required by WAC 390-16-034.
2. The applicant shall not be required to make their books and records of account available for public inspection during the last eight days prior to the election.
3. If more than \$1,100 per election is accepted from any one source, the applicant shall, within 72 hours of receipt of such contribution, deliver written notification to the Public Disclosure Commission, identifying the contributor by code, and designating by name and amount the candidate(s) to benefit from such contribution. The amount designated to benefit a statewide candidate, coming from any one source, shall not exceed \$1,100 per election.
4. This modification shall be in effect through December 31, 1996.
5. In all other matters required to be reported, the applicant shall comply in full with the reporting requirements of chapter 42.17 RCW.

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the
"Obtain"
language*

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this language
last sentence*

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STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX: (360) 753-1112

October 27, 1995

**JEFF POWERS
SOCIALIST WORKERS 1995 CAMPAIGN
1405 E MADISON
SEATTLE WA 98122**

Subject: 1995 Reporting Modification

Dear Jeff:

I am writing to clarify the draft order I sent earlier today concerning your request for a reporting modification. The part of the order regarding contribution limits (item 4) has not been reviewed by other staff members or our attorney, and does not address many aspects of the contribution limits issue that need to be addressed.

The task of modifying reporting requirements for minor partys with legislative and executive state office candidates is complex and will require extensive study by both the applicant and the Commission staff. Any language approved by the Commission could have an impact on other minor partys requesting modifications.

Once we receive your modification request, we will proceed with working on acceptable language for a proposed order. If you have questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Philip E. Stutzman".

**Philip E. Stutzman
Compliance & Enforcement Coordinator**

cc: John Gerberding, Assistant Attorney General

VPHILSOCWOR3.PES

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17.010 (10)



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STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX: (360) 753-1112

October 27, 1995

JEFF POWERS
SOCIALIST WORKERS 1995 CAMPAIGN
1405 E MADISON
SEATTLE WA 98122

Subject: Reporting Modification - 1993 Materials

Dear Jeff:

Enclosed per your request are copies of documents relative to your last request for a reporting modification. Also enclosed is a rough draft of a potential proposed order. This draft has not been reviewed by our attorneys. It only represents a preliminary draft that I prepared based on my understanding of some of the issues likely to be raised at the hearing.

Items 1 and 2 are the same as the last modification. Item 3 is new, and is intended to cover having the party committee receive contributions and make expenditures on behalf of candidates without such contributions or expenditures being earmarked for specific candidates. Item 4 is intended to deal with contribution limits as set forth in Initiative 134 for legislative and state executive office candidates.

Your written request for a modification should be received prior to the middle of the month to allow time to mail the material to the Commissioners prior to the meeting. Meetings are normally held on the fourth Tuesday of each month.

If you have questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Philip E. Stutzman".

Philip E. Stutzman
Compliance & Enforcement Coordinator

cc: John Gerberding, Assistant Attorney General

PHILSOWOR2.PES

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17.010 (10)

DRAFT

IV.

Having made these Findings of Fact and Conclusions of Law, the Commission issues the following

ORDER

Same as last modification

1. The applicant may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or paid as an expenditure.

2. The applicant shall not be required to make their books and records of account available for public inspection during the last eight days prior to the election.

New - to cover single PAC.

3. The applicant may report contributions received on behalf of its candidates and expenses made on behalf of its candidates, provided each candidate files PDC form C-1 (Candidate Registration Statement) with a reference to the applicant's C-3 and C-4 reports, provided contributions and expenditures are not earmarked for specific candidates, and individual candidates do not accept contributions.

New - to cover contribution limits of Initiative 134 for legislative + statewide candidates

4. Individuals, political committees other than county and legislative district committees, unions, and corporations may only give to the applicant \$500 per election if the contribution is to be used for legislative candidates and \$1,000 per election if the contribution is to be used for statewide executive candidates.

5. This modification shall be in effect through December 31, 1996.

6. In all other matters required to be reported, the applicant shall comply in full with the reporting requirements of chapter 42.17 RCW.

DATED this _____ day of December, 1995.

FOR THE PUBLIC DISCLOSURE COMMISSION

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.
ATTORNEYS AT LAW
740 BROADWAY AT ASTOR PLACE
NEW YORK, N.Y. 10003-9518

AUG 29 1991

TELEPHONE (212) 254-1111
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FACSIMILE (212) 674-4614

COUNSEL
VICTOR RABINOWITZ
MAYWOOD BURNS
LEONARD I. WEINGLASS
JOHN MAGE
JUDITH LEVIN

LEONARD B. BOUDIN (1912-1989)
MICHAEL B. STANDARD
MICHAEL KRINSKY
ERIC M. LIEBERMAN
ELLEN J. WINNER
EDWARD COPELAND
ELIZABETH ST. CLAIR
TERRY GROSS

BETH M. MARGOLIS
NICHOLAS E. POSER
DAVID B. GOLDSTEIN
DAVID GOLOVE*
HILLARY RICHARD
LINDA S. BOSNIAK

*ADMITTED IN CALIFORNIA ONLY

August 21, 1991

BY EXPRESS MAIL

Kay Williams
Executive Director
Campaign Finance Disclosure Commission
507 10th Street - 7th Floor
Des Moines, Iowa 50309

Re: Socialist Workers 1991
Campaign -- Nan Bailey for Mayor

Dear Ms. Williams:

Pursuant to our telephone conversation on Monday, August 12, I enclose the following information which we believe is relevant to the Commission's consideration of the above-referenced matter:

1. A letter brief from Edward Copeland of this office to the Federal Election Commission, dated July 2, 1990, which resulted in the issuance of FEC Advisory Opinion 1990-13, dated August 21, 1990, a copy of which you received from Mr. Copeland in his July 15, 1991 letter to you. This letter brief sets forth in detail the law on exemptions from election law reporting requirements for minor political parties, and details the historical and present harassment of the SWP and those associating with it;

2. Exhibits A-NN, submitted with Mr. Copeland's July 2, 1990 letter brief to the FEC, which provides extensive documentary evidence of historical and present private and governmental harassment of the SWP and those associating with it; and

Exhibit J - some pages omitted

3. Recent news articles concerning government harassment of an SWP member in Iowa.

I wish to highlight for the Commission's consideration the evidence of recent private and governmental acts of harassment against the SWP and those associating with the SWP in Iowa. The FEC Advisory Opinion, at 7, noted the activities of a Midwest security firm in compiling "an extensive data base and information index" on "communist and Marxist groups," including the SWP, and on this security firm's work on behalf of Geo. A. Hormel & Co. during the meatpackers' strike in Austin, Minnesota. During the Hormel strike, an employee of that security firm surreptitiously spied upon, collected license plate numbers, and tape-recorded a forum held on the meatpackers strike (which was sponsored by the Militant, a socialist newsweekly affiliated with the SWP) at the Pathfinder bookstore (also associated with the SWP) in Des Moines, Iowa in February 1987. As a result, an individual who spoke at the meeting was fired from his job with Hormel in Fremont, Nebraska. See July 2, 1990, Copeland letter at 19-20; Exhibits G, H, I, J.

More recently, the Des Moines Register reported on February 21, 1991, that a member of the SWP was extensively questioned by the Secret Service and the Iowa Division of Criminal Investigation at her workplace about her political views on the Persian Gulf War and tried to force her to detail her political activities and to name her political associates. According to a Register article of February 22, 1991, two Iowa State Senators called for an investigation into this harassment of anti-war activists by the Secret Service and DCI.

Based on the information we have submitted, including Mr. Copeland's letters to you of July 11, 1991, and July 15, 1991, we are confident that the Commission will reverse its decision of June 19, 1991, denying the requested exemption from the itemization and filing requirements of Iowa Code Chapter 56.

As these submissions make clear, the First Amendment does not permit the Commission to draw a distinction between partisan and nonpartisan elections. See McArthur v. Smith, 716 F.Supp. 592 (S.D. Fla. 1989). Rather, the constitutional inquiry focuses solely on whether there is "a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either government officials or private parties." Buckley v. Valeo, 424 U.S. 1, 74 (1976). It is a matter of public record that Nan Bailey is closely associated

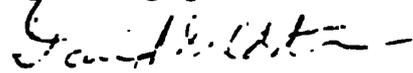
with the SWP, having run for Governor of Iowa as the candidate of the SWP. Indeed, this Commission, by exempting her campaign from the state reporting requirements, acknowledged that the SWP met the standards for exemption set forth in Buckley.

The fact that at least one security firm, whose agents operate in Iowa, admits that it uses public records to create data bases on "communists and Marxists" for use by employers and prospective employers, by itself, and without even considering any of the other voluminous evidence we have submitted, demonstrates that the constitutional standard has been met here, and that any partisan/nonpartisan distinction is meaningless and irrelevant, particularly given Ms. Bailey's well-known public association with the SWP.

As we discussed, Mr. Copeland intends to appear to be heard at the Commission's meeting on September 5, 1991. Please inform us at what time this matter will be scheduled to be heard. If you need any further information, please let me know.

Thank you for your attention to this matter.

Very truly yours,



David B. Goldstein

cc: Randall Wilson
Legal Director, Iowa Civil
Liberties Union

DBG:anb
Enclosure



DEC 10 1991

TERRY E. BRANSTAD, GOVERNOR

CAMPAIGN FINANCE DISCLOSURE COMMISSION
December 9, 1991

KAY WILLIAMS, EXECUTIVE DIRECTOR

Christopher S. Remple
Socialist Workers 1991 Campaign -
Sara Lobman for Mayor
2105 Forest Avenue
Des Moines, Iowa 50311

Dear Mr. Remple:

Your most recent disclosure report filed on behalf of Ms. Lobman, as well as previous reports, have included a notification that you are identifying contributors by coding pursuant to an FEC Advisory Opinion and an Iowa exemption granted a gubernatorial candidate.

Please be advised that neither of these exemptions apply in the case of a candidate for nonpartisan office. Instead, you should apply to the Commission for an exemption similar to that which has been offered to Nan Bailey through her attorney, Mr. Edward Copeland.

In the September 5, 1991 meeting of the Campaign Finance Disclosure Commission, the members voted to consider each request for exemption, on a case-by-case basis. The Commission requests a statement in writing signed by the candidate which sets out her reasons for failing to provide the names and addresses for contributors and expenditures which are ordinarily required by Iowa Code §56.6.

You may want to contact Mr. Copeland about this before Ms. Lobman provides us with the above letter. Mr. Copeland has not yet returned the required signed Settlement Agreement. However, this was not sent to him until the middle of November, and I am aware that he travels extensively, so he may not have had the opportunity to get it signed and returned.

We look forward to hearing from you after you confer with Mr. Copeland.

Sincerely,

Kay Williams
Executive Director

cc: Sara Lobman, Candidate
Edward Copeland, Attorney at Law

December 30, 1991

Kay Williams, Director
Iowa Campaign Finance Disclosure Commission
507 10th Street
Des Moines, Iowa 50309

Dear Ms. Williams,

As we explained in our letters of October 31 and December 1, 1991, (attached) the Socialist Workers 1991 Campaign - Sara Lobman for Mayor Committee is an election committee of the Socialist Workers Party.

With that in mind, we do not understand your request for "a statement in writing signed by the candidate which sets out her reasons for failing to provide the names and addresses for contributions and expenditures which are ordinarily required by Iowa Code §56.6."

In our previous letters we cited the appropriate federal court and Federal Election Commission decisions which explain the basis for candidates of the Socialist Workers Party being exempted from disclosure requirements. We now cite, in addition, the Commission's own decision in the matter of Socialist Workers 1991 Campaign - Nan Bailey for Mayor, recognizing that committees for Socialist Workers candidates in non-partisan elections are entitled to exemption.

Since there is no question that Ms. Lobman is identified with the Socialist Workers Party, the Commission should recognize the exemption without imposing additional steps or requirements, which have not been imposed in the past.

Sincerely yours,

Sara Lobman
Socialist Workers 1991 Campaign -
Sara Lobman for Mayor



TERRY E. BRANSTAD, GOVERNOR

CAMPAIGN FINANCE DISCLOSURE COMMISSION
January 2, 1992

KAY WILLIAMS, EXECUTIVE DIRECTOR

Sara Lobman
1601 - 30th Street
Des Moines, Iowa 50310

Dear Ms. Lobman:

Thank you for your letter of December 30, 1991. We are sorry that you do not understand the Commission's request.

You are incorrect in stating that the Campaign Finance Disclosure Commission decided that Socialist Workers candidates, including municipal candidates, have a blanket exemption from reporting. No doubt you have assumed that any exemption afforded in the past to a political organization can reasonably be extended to its candidates. This is a reasonable assumption when the election identifies a political affiliation.

Municipal candidates, as you know, are nonpartisan candidates in every Iowa city exception the City of Davenport. Therefore, municipal election ballots do not identify political affiliation except in Davenport. With the exception of Davenport, political affiliation of municipal candidates is not information disseminated to the voters. The information is known only if the candidate voluntarily provides it.

What the Commission did decide in September was that there had been sufficient evidence presented to indicate that Nan Bailey's contributors and creditors might experience harrassment if their names were revealed. The Commission then voted to enter into an agreement with Nan Bailey which provided the exemption for her committee, but also required her signature to indicate her knowledge of other prohibitions and requirements of the law. Such an agreement was sent to Ms. Bailey through her legal counsel, Mr. Copeland. Similar agreements would be offered to other candidates on a case-by-case basis.

Mr. Copeland recently contacted the Commission with the same misunderstanding you have voiced, and we are exchanging correspondence with him. The above is for your information.

Although your letter expresses confusion with our request, I believe its contents are sufficient to constitute a request in writing by you with your reasons for failing to provide the itemization required by Iowa Code §56.6. I therefore will place this on the agenda of the January 22, 1992 meeting of the full Commission for their consideration of entering into an agreement with you.

Sincerely,

A handwritten signature in cursive script that reads "Kay Williams".

Kay Williams
Executive Director

cc: Commission Meeting File
Lynette Donner, Legal Counsel
Christopher Remple, Treasurer
807 - 10TH STREET, 5TH FLOOR / DES MOINES, IOWA 50309 / TELEPHONE 515-281-4411

DECLARATION

I, ROBERT MILLER, declare and say:

1. On September 12th, 1996, I set up a Socialist Workers campaign table on a public sidewalk in New Brunswick, NJ in front of the student union at the Rutgers University campus. The table had Socialist Workers campaign placards visibly displayed - US: Hands off Iraq and Stop the attacks on Welfare, as well as a poster for the October 12 march on Washington for immigrant rights, which the campaign supports.

2. Less than five minutes after I set up the table, which also featured brochures for the Harris/Garza presidential ticket, and while I was speaking to a student about the campaign's view of the US war moves in Iraq, a Rutgers policeman approached me.

3. He demanded my drivers license. I asked why. He said there was nothing to talk about and demanded my license again. I explained I was engaged in constitutionally protected campaigning. The policemen grabbed my right arm with two hands and twisted it back.

4. Although I said I would show him my drivers license, he just put more pressure on my arm, pulling me backwards. This attack continued. When he let go, I had a large bruise and abrasion on the inside of my upper right arm.

5. I gave the policeman my license. He demanded my Social Security card, which I gave him because of the threat of renewed violence.

6. He gave me a summons to the New Brunswick municipal court for "soliciting without a permit".

7. The violence against me and attack on democratic rights took place in front of many students including several that were interested in taking campaign brochures.

8. I told the policeman that he was violating my constitutional rights. He said he was glad he did and said file a complaint; we like complaints.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 20, 1996 at Newark, New Jersey.

Robert Miller
ROBERT MILLER

Date 9/20/96

Exhibit 3

No 14917

MUNICIPAL COURT
CITY OF NEW BRUNSWICK
Middlesex County, New Jersey

SUMMONS

DOCKET NO. 96-79137

STATE OF NEW JERSEY

v.

Robert F. Miller

(NON-INDICTABLE
OFFENSE)

DEFENDANT W.D. 14352

STATE OF NEW JERSEY
COUNTY OF Middlesex

ss. 1-20-96
3-557

YOU ARE HEREBY SUMMONED TO APPEAR PERSONALLY BEFORE THIS COURT AT THE
TIME AND PLACE SPECIFIED BELOW TO ANSWER THE FOLLOWING OFFENSE(S):

NAME Robert F. Miller
(please print)

STREET 44 Hill St

CITY - STATE SPRINGFIELD NJ 07105

ON THE 1 DAY OF Jan 19 96 AT 12:45 P.M.

IN THE MUNICIPALITY OF City of New Brunswick

COUNTY OF Middlesex STATE OF NEW JERSEY

DID UNLAWFULLY VIOLATE THE PROVISIONS OF:

STATUTE: _____ REGULATION: _____

ORDINANCE: _____

BY COMMITTING THE FOLLOWING OFFENSE(S)

No # 110 for solicitation

You are notified that the undersigned will file a complaint in this court charging you with the
offense(s) set forth above.

12531 96
(date)

[Signature]
(Signature and Identification of official)

NOTICE: If you intend to plead not guilty and to contest the charge specified in this Sum-
mons, at least 3 working days prior to the date fixed for your appearance in court, you must
so notify the administrator, whose address and telephone number is shown on the back of the
Summons. If you fail to notify the administrator, it may be necessary for you to make two
court appearances.

COURT APPEARANCE REQUIRED Yes

COURT APPEARANCE 1 DAY OF Jan 19 96 AT 9:00 A.M.

ADDRESS OF COURT

Police Headquarters Building
Route 18 - Memorial Parkway
New Brunswick, NJ 08903

SUMMONS

USHER PUBLISHING CO., Trenton, NJ 08620
1-800-229-6113

RUTGERS UNIVERSITY POLICE DEPARTMENT
COMPLAINT CONTROL FORM

Complainant Robert M. Hill Home Phone (201) 582-6462
Address 54 R. 11 St Business Phone _____
Newark NJ 07102

Location College Ave Date 9/12 Time 4:30pm Campus College Ave Campus

Personnel Jannone Badge _____ I.D. _____
Badge _____ I.D. _____

Witness Yes Address _____ Phone _____
Address _____ Phone _____

Complaint Officer Jannone assaulted me at 4:30pm on 9/12/96
while campaigning for candidates for public office on a public
sidewalk for 5 to 5 minutes when Officer Jannone approached
and demanded my driver's license.
I asked "why" and he replied he was going to discuss
it. I explained I was engaged in constitutionally protected
campaigning.
Officer Jannone violently grabbed my right arm with
2 hands and twisted it back. I said I would show him
my driver's license. He didn't let go and twisted harder.
A large bruise and scratch was left on the inside
of my upper right arm. I have photos of this.
He also demanded my social security card under the threat
of public violence.

DO NOT FILL OUT BELOW THIS LINE
TO BE FILLED OUT BY RUPD OFFICIAL

INTERNAL AFFAIRS UNIT INDEX FILE # _____

Received By _____ Date & Time _____

Routed to _____
Command to Investigate

Office of the Associate Vice President
for Administration and Public Safety
Old Queen's Building • New Brunswick • New Jersey 08903
908/932-8404 • FAX: 908/932-7261

October 17, 1996

Ms. Olga Rodriguez
Ms. Stefanie Trice
N.J. Socialist Workers '96 Campaign
87A Halsey Street
Newark, New Jersey 07102

Dear Ms. Rodriguez and Ms. Trice:

I have been forwarded your letter concerning an incident involving Mr. Robert Miller and Police Officer Jeffrey Jannarone of the Rutgers University Police Department that occurred on September 12, 1996 on the College Avenue Campus. I would like to relate to you our knowledge of this incident and actions that are being taken in response to your complaint.

Police dispatch records indicate that at 4:29 p.m. on September 12, 1996 Rutgers Police Headquarters received a call from a manager of the Rutgers Student Center reporting the presence of an individual soliciting in front of the center. It should be noted that New Brunswick municipal ordinances require solicitors to have a city issue permit. The ordinances also require persons wishing to set up a table on a city sidewalk to obtain written permission from the city councils.

Officer Jannarone was dispatched to the Rutgers Student Center. Officer Jannarone determined that the individual, Mr. Robert Miller, was selling literature without the required city permit. A summons for a municipal ordinance violation was issued by the officer. Officer Jannarone reported that during this incident Mr. Miller began shouting and thrashing his arms and that it was necessary to place Mr. Miller's arm in a restraint hold until the individual became calm.

Mr. Miller subsequently filed a complaint against Officer Jannarone alleging excessive use of force. An internal affairs investigation has been initiated by the Rutgers University Police Department. The results of this investigation will be reported to Mr. Miller upon completion.

It is not the intent or the policy of the Rutgers University Police Department to interfere with constitutionally protected rights. However, the department is obligated to investigate reported violations of law and to take enforcement action when necessary. In taking such action our officers are permitted to use reasonable measures to control the situation and accomplish their duties. The internal affairs investigation is tasked with determining if the officer violated

Ms. Olga Rodriguez
Ms. Stefanie Trice
October 17, 1996
page 2

the law or any of the department's policies, procedures, or other directives. If such a violation has occurred, appropriate disciplinary action will be taken.

Sincerely,



Leslie A. Fehrenbach
Associate Vice President
for Administration and Public Safety

DECLARATION

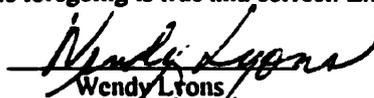
I, Wendy Lyons, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosures provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

On August 4, 1996 I was taken into police custody together with two other campaign volunteers, Paco Sanchez and Priscilla Schenk while petitioning at Orchard Beach to put the Socialist Workers Party candidates for President and Vice President, James Harris and Laura Garza on the ballot. We were charged with "unlawful solicitation" and illegal assembly under NY Park Dept. regulations. The penalty is \$1,000 in fines and/or 90 days in jail.

We had petitioned at the same spot the week before and had been told it was okay by Parks Dept. officials, who the police checked with. Police kept coming by on August 4th and asking if we had permission. We told them we had discussed it with the Parks Dept. the week before. They said they would get an official from the Parks Dept. and bring them to where we were petitioning in order to settle the matter. Suddenly, twelve police surrounded the three of us and seized the nominating petitions along with socialist literature, placards against police brutality, and flyers advertising a March on Washington for Immigrant Rights on Oct. 12. They told people who had been discussing the campaign with us to move away, and took us off in a police car. The petitions and other material were held in police custody for a week until protests from the New York Civil Liberties Union and the Socialist Workers National Campaign Committee resulted in their release. The charges against us were dismissed on September 4, 1996.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 1, 1996.


Wendy Lyons

Date 12/1/96

Exhibit 5

CRIMINAL COURT OF THE
CITY OF NEW YORK

CRIMINAL COURT OF THE
CITY OF NEW YORK

240

Part SAP County of Beaux

Part SAP County of Beaux

CERTIFICATE OF DISPOSITION

CERTIFICATE OF DISPOSITION

No 438196

No 438195

Docket No. 96X136236Y 1996

Docket No. 96X136235Y 1996

THE PEOPLE OF THE STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

vs. D.O.B

vs. D.O.B

Lyons Wendy 1/6/45

Lyons Wendy 1/6/45

NAME 125 Seaman Ave 4B AGE

NAME 125 Seaman Ave 4B AGE

ADDRESS New York NY

ADDRESS New York NY

CITY 105(A) 3 Park Reg STATE

CITY 104(R) 2 Park Reg STATE

OFFENSE 8/4/96

OFFENSE 8/4/96

DATE OF OFFENSE 105(A) 3 Park Reg

DATE OF OFFENSE 104(R) 2 Park Reg

DISPOSITION Dismissed

DISPOSITION Dismissed

Sept. 4, 1996

Sept. 4, 1996

DATE OF DISPOSITION CCO Beaux

DATE OF DISPOSITION CCO Beaux

CRIMINAL COURT PART Soto COUNTY

CRIMINAL COURT PART Soto COUNTY

JUDGE

JUDGE

I hereby certify that this is a true excerpt of the record on file in this Court.

I hereby certify that this is a true excerpt of the record on file in this Court.

DATE Sept. 4 1996

DATE Sept 4 1996

[Signature] Soto

[Signature] Soto

COURT OFFICIAL (Signature)

Title

COURT OFFICIAL (Signature)

Title

BY AMY HUSK

BRONX, New York — Defenders of democratic rights won a victory here September 4, when charges were dismissed against three supporters of the Socialist Workers campaign in a Bronx courthouse. The three campaigners — Wendy Lynns, Paco Sanchez, and Priscilla Schenk — were detained by police August 4 at Orchard Beach Park in the Bronx while petitioning to get James Harris and Laura Garza on the ballot in New York state. Their petitions and other literature were confiscated and they were charged with "unlawful solicitation" and "assemblies, meetings, and other exhibitions."

The three socialist campaigners were represented by Beth Haroules of the New York Civil Liberties Union. Haroules said in an interview she was pleased to see a case where the "judge recognized the bogus nature of the charges. The three activists were engaged in protected political activity and the case was dismissed as it should have been."

Raynald Laforest of the Haitian Mobilization to Defend Immigrant Rights and the American Federation of State, County and Municipal Employees came to the courthouse to show support for the campaigners. Laforest said he felt stakes in this fight were high. "In the climate of attacks on workers and immigrants, I'm especially concerned about cases like this. It behooves us to get involved in a struggle like this and to educate around it," he stated.

One of the issues the socialists were campaigning around was support for the October 12 demonstration for immigrant rights.

METRO

AND IOWA NEWS

TUESDAY, DECEMBER 19, 1995, SECTION **M**

★ ★ ★ ★

Metro **RECORD**

Store owner believes fire was politically motivated

A fire at the Pathfinder Bookstore in Des Moines is believed to be politically motivated, said John Cox, the manager of the store.

The bookstore also serves as offices of the Mark Curtis Defense Committee and the Socialist Workers Party.

Someone set fire to the front of the store shortly before 4 a.m. Monday and it burned through the wall causing smoke damage inside.

Des Moines Fire Investigator Robert Niffenegger said no arrests immediately were reported, but he verified that the fire was a case of arson. He said someone applied some kind of accelerant to the front of the building and ignited it.

Mark Curtis, a Socialist Workers Party activist who had been imprisoned for sexually assaulting a Des Moines girl, recently was granted parole. Curtis has maintained that he was framed, and the defense committee has been working to clear his name.

Niffenegger said the Pathfinder Bookstore had received no recent threats and had reported no problems of significance in the last four or five years.

The Socialist Workers Party faxed information about the fire to news organizations within hours of the fire. It described the fire as minor but smoke damage as extensive.

Ex. 3, + 11

8M THE DES MOINES REGISTER ■ FRIDAY, DECEMBER 22, 1995

Probe of fire is in dispute

The manager of the Pathfinder Bookstore at 2105 Forest Ave. said Thursday that Des Moines police have put an investigation into the arson fire at the store on hold until someone can name a suspect.

Police said that's not so.

John Cox, the store manager, said a police officer told him the investigation cannot move forward without names of some possible suspects.

John Studer, coordinator with the Mark Curtis Defense Committee, which also is located in the building along with the Socialist Workers Party, said, "It seems to me they are capable of conducting an investigation. . . . They are saying they are not going to do anything unless I can tell them who they should go question."

Des Moines Police Sgt. Kelly Willis said the arson investigation remains open and is active.

The fire was set on the outside of the store. It burned inside the building, causing some smoke damage to the interior. A police officer spotted the fire and reported it. Firefighters put it out quickly upon arrival.

Arsonists attack Pathfinder bookstore in Iowa

BY JOHN STUDER

DES MOINES, Iowa — The Pathfinder bookstore here was the target of an arson attack in the early morning hours of December 18.

The bookstore has been open in Des

Moines since 1987 as a source of political books that make available the ideas and writings of working-class and revolutionary leaders. Among the authors published by Pathfinder are Fidel Castro, Nelson Mandela, V.I. Lenin, Leon Trotsky and

other leaders of the Russian revolution, Malcolm X, Farrell Dobbs, and Thomas Sankara.

"This arson attack is part of a pattern of one of the worst political crimes of our age — the burning of books," bookstore manager John Cox said in a fact sheet prepared after the attack and distributed to area bookstores, political organizations, and supporters of democratic rights.

The fire was set along the outside front wall. It damaged a section of wall, burning through to the inside of the bookstore beneath a large plate glass window. The books and other literature in the store suffered extensive smoke damage.

Firefighters responded quickly, preventing the blaze from consuming the building. A fire investigator determined that the incident was the result of arson, adding, "It looks like someone was trying to do you some damage."

The Pathfinder bookstore also rents space to the Mark Curtis Defense Committee and the Socialist Workers Party.

Two nights before the fire, the Militant Labor Forum, which holds weekly programs at the bookstore, had organized a panel discussion opposing the sending of U.S. troops to Yugoslavia.

The Mark Curtis Defense Committee (MCDC), which has been organizing an international fight for justice for Mark Curtis — a socialist and union activist imprisoned on frame-up charges of rape and burglary in 1988 — sponsored a highly

Continued

Arson attack on socialist bookstore

Continued from front page
publicized meeting at a downtown hotel the night before the attack. The event, held to celebrate the recent decision of the Iowa State Board of Parole to grant Curtis parole, was covered by Des Moines TV channel 13, the local NBC affiliate.

The bookstore and MCDC headquarters have been victimized by politically motivated vandalism in the past, including having a gunshot fired through one of the front windows and a physical assault that caused \$2,000 in damage.

Pathfinder representatives arrived at the bookstore at 4:30 a.m. after hearing about the fire from a supporter of the bookstore who had been following calls over his police scanner. They immediately began notifying the press, and the three local television stations sent reporting teams to the store.

Police not keen to pursue investigation

Senior police investigator Dennis Morgan, the Des Moines police officer who responded to the call, left before fire authorities determined the blaze had been set on purpose. When contacted later, Morgan said the police were convinced that it was arson, but had decided to put the case on "hold" unless bookstore or MCDC volunteers would provide them with the name of someone to investigate.

"This cowardly act was clearly a politically motivated act, an attempt to close down the free exchange of books and ideas, a blow to free speech. The book burners hoped to shut down the bookstore and intimidate those who rent space there," bookstore manager Cox said in a statement released to the press that morning. He demanded that "the Des Moines police do all in their power to catch and prosecute to the fullest extent of the law those responsible for this attack."

Notice of the fire and efforts of bookstore supporters to press authorities to catch those responsible were carried by all the area television stations and the *Des Moines Register*, the only daily newspaper here.

"Store owner believes fire was politically motivated," read the headline on the front page of the *Register's* Metro section. "Des Moines Fire Investigator Robert Nifenegger said no arrests immediately were

reported, but he verified that the fire was a case of arson. He said someone applied some kind of accelerant to the front of the building and ignited it."

Supporters of the free exchange of ideas and opponents of violent attacks against political groups organized a protest meeting and press conference at the Pathfinder bookstore December 19. Held amidst the fire-damaged store — which volunteers have kept open with a sign in the door reading "Excuse the fire, we are open for business" — local activists gathered and spoke out against the attack.

Many join protest meeting

"Join in a nonpartisan effort to protest this criminal attempt to burn down the Pathfinder bookstore and to press the authorities to act swiftly and with determination," Cox told the 30 people present. "Send a message to John 'Pat' Dorrian, mayor of Des Moines, urging that city authorities take decisive action to find those responsible and prosecute them. This is the best way to send a clear message that book burning will not go unpunished."

"We are here to talk about hate crimes," Tim Andrews, president and executive director of the Gay and Lesbian Resource Center, said. "Right-wing extremists should be opposed by every rational Iowan. They are being fueled by hate mongers on the radical fringe of the right wing. I call on every reasonable Iowan to oppose such acts and to work towards healing our society rather than destroying it."

Cox read from a message sent to the meeting by Ed Fallon, Iowa State Representative in the 70th District, who said, "I do not know whether the recent act of arson at the Pathfinder Bookstore was politically motivated or just another random act of senseless violence. Either way, it is highly condemnable, and the entire greater Des Moines community should speak with one voice against such violence, whenever and against whomever it may occur."

Larry Ginter, a family farmer and leader of the Iowa Citizens for Community Improvement, told the meeting. "It is an outrage that the police have taken a biased attitude towards the fire at the bookstore. Finally, I want the folks who run the bookstore to understand that I am in complete

solidarity with them because damage to one is damage to all." Earl Simes, a farmer and member of the Iowa American Agriculture Movement, also spoke.

Jane Magers-Fionoff, a leader of the local chapter of the Women's International League for Peace and Freedom; Bob Peters, a former striker at Firestone; and a number of other workers active in the United Auto Workers and United Food and Commercial Workers unions attended the meeting.

A statement from Rev. Gil Dawes, a leader of Prairiefire, an area group that aids farmers facing hard times, noted, "The Pathfinder bookstore has long proclaimed its point of view publicly, which is more than can be said for individuals who are only able to argue their point of view by private acts of terrorism.... None of us should remain silent, for such acts are a threat to all."

Harold Ruggless, president of United Auto Workers Local 270, said, "We cannot allow this kind of attack to go unanswered. No matter where it starts, ultra-right-wing violence always comes to roost against the labor movement. We must stop it in its tracks."

"This attack on the bookstore and our offices comes within weeks of our scoring a significant victory on Mark Curtis's behalf," Hazel Zimmerman, secretary-treasurer of the Mark Curtis Defense Committee, told the media. The attack came "only hours after we held a widely publicized meeting at the Best Western downtown to celebrate this victory and plan our next steps," she said (see article on page 16).

"Until those responsible for this crime are caught and prosecuted, we can't know who their target was — the political books in the Pathfinder bookstore or our defense committee. Either way, this form of cowardly attack must be condemned and brought to a halt."

Statements were also read from Rev. Ken Stuber; Mack C. Shelley, political science professor at Iowa State University; and Roxanne Gould, a Native American activist in Sioux City, Iowa.

Messages urging action to catch and prosecute those responsible for the arson attack can be sent to Mayor John Dorrian, 400 East First, Des Moines, Iowa 50309.



STEAMATIC OF CENTRAL IOWA, INC.
2600 72nd Street, Suite O
Des Moines, IA 50322
(515) 270-8641
FAX (515) 270-2006

ESTIMATE FOR RESTORATION WORK

**Pathfinder Book Store
2105 Forest Avenue
Des Moines, IA 50313**

Fire Restoration Services:

- 1) O-zone building to remove soot/smoke odor from contents and structure.
- 2) Wet vac carpet - completed on 12/18/95
- 3) Clean carpets
- 4) Clean walls and ceilings to remove soot
- 5) Clean all contents on main level including bookshelves, tables, cabinets, chairs, books, etc.

\$1,858.89
92.94
\$1,951.83

We can arrange for Bakers Interiors to perform the painting and construction work that needs to be done. The price for this work is not included above.

Please contact our office at 270-8641 if you have any questions.

Sincerely,

**Don C. Romig II
Director of Operations**

DCR/kd

Exhibit #15

Statement from Will Elder and Brandon Greenwood of Spokane, WA.

On Thursday Oct. 5, 1995, we were given a ride out to the Boeing strike picket lines by Tom Jeannot (Will's stepfather). We first asked to talk with the person in charge. We then went to the workers on the picket line and began to ask them questions. We received a friendly response. Officer C. North, from the sheriff's department, came over and asked for our IDs. She took down our names, addresses, and phone numbers and did a warrant check. She said, "What are you doing here? I hear you guys are from some socialist group. You have no business here, leave." We took the bus home.

On Monday October 9, we went to the Boeing picket lines with Rich Stuart, Socialist Workers candidate for Seattle Port Commission #5. First we talked with the union representative who was very friendly. Then we went to talk with the workers on the picket line. We had several long conversations with several picketers who explained that they were happy to have our support. We distributed two copies of our campaign newspaper the *Militant*. We carried picket signs. After awhile Officer North drove by and when she saw us she did a U-turn and ran over to one of the strike leaders. After talking to her, he came up to us and said, "We have enough support. We don't want you here. You don't know what the issues are. Leave."

Officer North recognized one of us (Brandon) and the other (Will) explained that he was also one of the people who she had talked to the other day. Both of us were very polite. Officer North said, "You have to leave." We nodded in agreement, but North continued. "I don't think that you get it, come with me." We walked over to her police car. Officer North said, "Socialist groups have nothing in common with unions. You have no reason to be here. You don't know what the issues are. You are just here to cause trouble."

At that point, Mr. Stuart came up. He said, "What is the problem officer? I am responsible for these two people. I brought them here. I will take them home." Officer North said, "These are just a couple of socialist kids trying to cause trouble." Officer North then told us to get in the car which we did do. She and Mr. Stuart continued to discuss the matter. We heard Mr. Stuart explain to Officer North that he was a candidate for the Port Commission.

Four more sheriffs showed up and Officer North told them, "I've got some obnoxious kids here." Then she began to yell at us in the back seat, "What are you doing here? You don't know what you are talking about. You don't know the issues. Unions and socialists have nothing in common. You are wearing that god damned button (Brandon was wearing a button that said 'Defend the Cuban Revolution. Socialism or Death.') You don't even know why you are here."

North drove us to the station. During the entire trip she discussed politics. Officer North said things like, "What are you doing here? What is that paper? Who is your friend?" Once we were at the station, North said, "You understand you are arrested." I said, "If you try to escape you will be charged with a felony." We were finger printed and mug shots were taken of us. Officer North photocopied the *Militant*.

Eventually Officer North told us to leave. We were never charged with anything. On the way out the door North said, "If you guys ever go back there even if you have union permission, I will find something to arrest you for."

We declare under penalty of perjury under the laws in the State of Washington that the foregoing is true and correct.

Will Elder



Brandon Greenwood

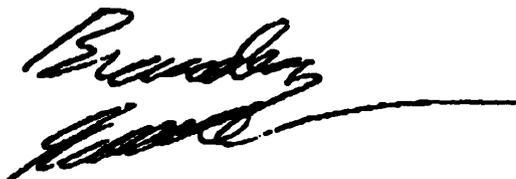


Exhibit 15 ~~(p. 11)~~**Statement by Rich Stuart, 1995 Socialist Workers Candidate for Seattle Port Commission #5**

On the weekend of October 8-9, while I was in Spokane for a family event, I contacted Will Elder to see if he would like to join me in a visit to the local picket line of striking machinists. I am an active unionist in the United Transportation Union and had visited picket lines of the Boeing strike in Seattle.

Will Elder said he would like to join me and that his friend Brandon would likely also be interested. On Monday, October 9, Will, Brandon, and myself arrived at the picket line and visited with the strikers for a half hour to forty-five minutes, discussing the issues in the strike and offering our support as a fellow unionist from Seattle and youth from Spokane. The strikers were pleased to have us show support to their cause.

While talking to one of the picketers, I noticed Will and Brandon walking to a patrol car with a county sheriff's deputy. I then walked over to talk to the officer and asked if there was a problem, explaining that the two youth were with me, that I had brought them and that I was responsible for them. The officer, C. North, told me that she had told these two that they weren't welcome here and not to come to the picket line. I asked her when she had told them this and why this was her opinion. She said she had warned them several days prior and that they were socialists and had no business being there.

I explained to officer North that I was also a socialist and in fact was a candidate of the Socialist Workers Party in the race for a seat on the Seattle Port Commission. She then insisted again that this strike had nothing to do with socialism and we should not be there. I then explained that we had been welcomed by the picketers both here and in Seattle and that I was a union member offering support to fellow unionists on strike.

I then asked officer North if I could speak to Will and Brandon. She agreed and I went to the patrol car and ensured the two youth that I would take responsibility for them and that they should cooperate with officer North while I tried to iron out the situation.

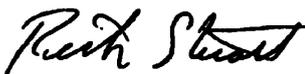
After the arrival of several other patrol cars and consulting with other deputies, officer North took Will and Brandon in her patrol car into the Boeing parking lot to attempt to get Boeing to press trespassing charges against the two. She had apparently asked one of the union representatives to press charges but they could not legally do so since it was not their property. Boeing refused and after leaving the Boeing lot, officer North came out and told me that she was taking Will and Brandon "downtown" and that I could pick them up in the lobby of the Spokane county jail building.

I followed officer North's car to the county building and waited in the lobby for approximately one half hour before Will and Brandon were escorted into the lobby by officer North.

On the way to their homes, Will and Brandon told me that officer North told them at one point that they were under arrest and then fingerprinted them and photographed them in the county building.

Will and Brandon were quite shaken by the experience. I asked them to write down their account of the incident while it was fresh in their minds and ensured them that if they wanted to talk about the incident with me after I returned to Seattle later that day they should feel free to contact me.

I declare under penalty of perjury under the laws in the State of Washington that the foregoing is true and correct.



Rich Stuart

DECLARATION

I, MICHAEL BAUMANN, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosures provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. That on September 24, 1995, on Bergenline Avenue in Union City, New Jersey, a group of some eighteen to twenty right-wing Cuban-Americans attacked me and five others campaigning for socialist candidates on the ballot in New Jersey.

2. The attackers, one of whom was brandishing a length of iron pipe, shouted threats, overturned the campaign table, and demanded the campaigners leave Union City.

3. As the campaigners retrieved the scattered materials, Union City Police Sgt. Sharkey appeared. He took no action against the attackers. Instead he questioned the campaigners' right to sell and distribute literature on a city street.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 14, 1996.

Michael Bauman
MICHAEL BAUMANN

Date November 14, 1996

Exhibit #16

DECLARATION

I, Robert Stanton, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On July 16, 1995, a security guard at Rising Sun Mall in Philadelphia took photos of petitioners for the local campaign for mayor and city council, harassed petitioners and called the Philadelphia police department. One of the petitioners was approached by the manager of the Hechinger's store.
2. I was the coordinator of the petitioning team on site. A total of six petitioners were stopped from doing their legal and constitutionally protected activities during this period of harassment.
3. When the police, called by the security guard arrived on the scene, they spent ten minutes interviewing the petitioners and then said our activity was OK. They informed the guard not to harass us further.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1996.


Robert Stanton

Date: 11/17/96

Exhibit # 17

DECLARATION

I, Margaret R. McCraw, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On May 2, 1995, two teachers at Lindsey Hopkins, a Dade County vocational school in Miami, physically harassed and attacked myself and another female SWP volunteer while we were staffing a literature table on a public sidewalk in front of the school.

2.. We were distributing books, newspapers, and leaflets to win support for the party's slate in the upcoming elections. I had run as one of the SWP candidates for Miami City Commission in 1993.

3. At approximately 7:45 p.m. during class break, a school administrator and a security guard told us we were not allowed to distribute literature on or near school property. Since we were on public property, not impeding foot traffic, and within feet of vending machines for the Miami Herald and other newspapers, we kept the table up but moved it a little further away from the school entrance.

4. A few minutes later two teachers came out and began yelling at us in both English and Spanish. They were particularly agitated about a poster with a picture of Cuban leaders Fidel Castro and Ernesto Che Guevara. They pointed to other materials supporting the Cuban revolution and books by South African leader Nelson Mandela. The two yelled "go back to Cuba" and tried to keep the 15 to 20 students gathered from looking at our literature.

5. When we asserted our right to be on public property and express our views, the teachers began to make sexual remarks, grab their genitals, and lunge at the table, ignoring efforts by many students to calm them down.

6. The security guard returned and insisted that we leave. At this point one of the teachers rushed the table, kicking it and scattering books on the ground. Both teachers then went back inside. The security guard stood by and did nothing. A number of students helped pick up the books and set the table up again. We asked a couple of these students whether they would be willing to give their names and phone numbers to us as witnesses to what had happened. While they were supportive of our rights, none agreed.

7. About ten minutes later, Mr. Jim Parker, the school's vice-principal came out with more security guards and again tried to force us to leave. We showed him a 1991 letter from the Miami City Attorney regarding First Amendment rights and distribution of literature in the city. We also

Exhibit #20

informed him that two teachers had verbally and sexually harassed us and had attacked our table. He said he would "deal with them."

8. As we were taking down the table to leave, a City of Miami police officer drove up on the sidewalk. She was not concerned about the attack on us but informed us that we could not distribute literature there and that we were in violation of county ordinances prohibiting vending near schools.

9. The school administration, security guards, right wingers, and police were forced to back down and allow literature tables in front of the school only after being threatened with litigation on behalf of the SWP by the Greater Miami Chapter of the American Civil Liberties Union (ACLU). The Assistant City Attorney issued a memorandum to the Police Department on July 25, 1995 noting the First Amendment exemptions to ordinances regarding vending.

10. We currently set up tables and distribute literature at Lindsey Hopkins. While we have not been physically harassed or attacked, the two teachers involved and other right wingers occasionally stand near our tables attempting to intimidate us.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1996.

Margaret R. McCraw
Margaret R. McCraw

Date 11/21/96

A.C.L.U. of Florida, Inc. ***GREATER MIAMI CHAPTER***

**225 Northeast 34th Street, Suite 102, Miami, Florida 33137
(305) 576-2336**

**Reply to: SunBank International Center
Suite 2200
One Southeast Third Avenue
Miami, Florida 33131
Ph. (305)358-0050
Fax (305)358-0550**

June 27, 1995

**A. Quinn Jones, III
City Attorney
City of Miami
300 Biscayne Boulevard Way
Suite 300
Miami, Florida 33131**

RE: Metro-Dade Code § 21-27.1

Dear Mr. Jones:

I am co-chair of the Legal Panel of the Miami Chapter of the American Civil Liberties Union. It has been brought to the attention of the ACLU that members of the Socialist Workers Party have been harassed and threatened with arrest under the above code section (a copy of which is attached for your reference) for distributing and selling literature on the public sidewalk near Lindsey Hopkins vocational school.

Prior to May 2, 1995, The Socialist Workers Party has distributed literature outside Lindsey Hopkins vocational school for years with few problems. On the evening of May 2, 1995, two volunteer supporters of the Socialist Workers Party were peacefully selling their organization's newspaper and distributing free leaflets from a small table on the public sidewalk outside the school. After the volunteers were threatened with arrest by school personnel and after two teachers from the school kicked the table and threw the books on the ground, a City of Miami police officer arrived. Rather than inform the Lindsey Hopkins school personnel that the Socialist Workers Party volunteers had a right to be there, the officer told the Socialist Workers Party supporters that they had to leave, because the above County ordinance prohibited them

A. Quinn Jones, III
June 27, 1995
Page 2

from distributing their literature within 500 feet of a school. Rather than risk arrest, the Socialist Workers Party volunteers took their table and materials and left. They do intend, however, to continue to distribute materials there in the future.

Section 21-27.1 clearly does not apply to the activities of the Socialist Workers Party volunteers in this case. That code section was obviously not intended to cover the sale or distribution of printed material, and even if that section did purport to cover such activities, the section would be unconstitutional under the First Amendment guarantees of free speech and assembly. I would also point out that there are several newspaper vending machines located in the area where the this incident occurred. Since those boxes were presumably placed there legally, the City cannot take the position that section 21-27.1 permits the sale of the Miami Herald but prohibits the sale of the Militant, the Social Workers Party newspaper.

The Socialist Workers Party has previously encountered difficulty with the City of Miami Police regarding the City's wrongful attempts to prohibit the distribution of political literature. One such incident resulted in the attached September 19, 1991 letter from the City Attorney's office, requesting that the City Attorney be informed of any such incidents. The May 2, 1995 incident demonstrates that it remains necessary for the City to train its officers to protect, rather than harass, persons engaged in protected First Amendment activity.

Because the Socialist Workers Party intends to continue to distribute its literature outside Lindsey Hopkins vocational school, it is imperative that the City inform its police officers of their duty to protect free speech, in order to avoid similar incidents in the future. While the Socialist Workers Party is interested in engaging in free speech rather than in litigation, any future attempt by school personnel or by City police officers to prevent the party from engaging in peaceful speech and assembly may result in litigation against the City and school officials.

I would appreciate the courtesy of a response assuring the ACLU and the Socialist Workers Party that appropriate steps will be taken to avoid future problems.

Very truly yours,



Pamela A. Chamberlin
Co-Chair, Legal Panel
Greater Miami Chapter A.C.L.U.

- cc: Ms Maggie McCraw, SWP
- Ray Taseff, Esq.
- Benjamin S. Waxman, Esq.
- Principal, Lindsey Hopkins Tech. Educ. Ctr.

City of Miami



267
CC: M Mc
1/1/95
A. QUINN JONES, III
City Attorney

July 25, 1995

Pamela A. Chamberlin
Greater Miami Chapter A.C.L.U.
SunBank International Center
One Southeast Third Avenue
Suite 2200
Miami, Florida 33131

Dear Ms. Chamberlin:

Attached please find an Item to be published in the Miami Police Department's Official Bulletin which I trust addresses your concerns as expressed in your June 27, 1995 letter.

Do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Ana Maria Pando
Assistant City Attorney

cc: A. Quinn Jones, III
City Attorney

AMP:ay

INTER-OFFICE MEMORANDUM

TO : Captain Daniel Lange
Commander
Support Services

DATE : July 25, 1995

FILE :

SUBJECT : Material for
Official Bulletin

FROM : Ana Maria Pando *AMP*
Police Legal Advisor
Police Legal Unit

REFERENCES

ENCLOSURES

Please publish the following in the Official Bulletin:

Officers are reminded that because of First Amendment concerns, vendors who vend exclusively written matter are exempt from the licensing provisions contained in Chapter 39 of the City Code. They cannot, therefore, be arrested for Vending Without A License, Section 39-12 of the City Code.

Any other violations of law unrelated to the selling of printed matter should be enforced accordingly and meticulously documented.

Any questions reference the above should be addressed to the Police Legal Unit at 579-6577.

AMP:ay

274

Socialist Workers Minnesota '94 Campaign

Marea Himmelgrin for U.S. Senate -- Jon Hillson for Governor

Leah Finger for Lieutenant Governor - Damon Tinnon for Secretary of State

2490 University Avenue, St. Paul, MN 55114 (612) 645-1674

July 18, 1994 BY FAX

Mayor Sayles-Belton
City Hall, Minneapolis

Dear Mayor,

I am writing to bring to your attention an outrageous violation of democratic rights committed by a Minneapolis police officer against a supporter of the Socialist Workers election campaign.

On Saturday, July 16, while exercising his First Amendment right to collect signatures of eligible voters on nominating petitions, Joe Callahan was given a citation for allegedly blocking traffic on the sidewalk.

Callahan, the Socialist Workers candidate for mayor of Minneapolis in 1993, was petitioning on the corner of Lake and Hennepin. The charge that he was blocking the sidewalk is false and a pretext for political harassment.

The sidewalks are wide at this intersection and there is ample room for pedestrians to stop and have discussions, which many do, and there is also sufficient space for petitioners to collect signatures without blocking traffic.

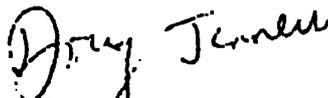
U.S. Supreme Court decisions have upheld the constitutional right of citizens to distribute literature and petition in public locations.

The Minneapolis police officer who issued the citation was in uniform, but stated that he was off duty and employed by the Uptown Merchants Association. His badge number is 0239.

Callahan will plead not guilty to the charge and the Socialist Workers campaign will vigorously defend the rights of our supporters to distribute campaign literature and to petition.

We urge you to immediately investigate this abuse of police authority.

Sincerely,



Doug Jenness
Socialist Workers Campaign Manager

Attachments:

Letter from City Attorney re: distribution of campaign literature at Lake and Hennepin

Citation issued to Callahan

Press Release announcing filing for ballot status and protesting police harassment of Callahan

Exhibit 24

UNIFORM CITATION NO.

STATE OF MINNESOTA
COUNTY OF HENNEPIN
DISTRICT COURT

94-519591

The issuing officer states that the person named below committed the offense described in violation of the section indicated.

DRIVER'S LICENSE NUMBER										STATE
1450 441 681 690										MN
NAME - LAST, FIRST, MIDDLE NAME										NO. TO
PACUMAN JOSEPH (F)										
ADDRESS & CITY										
5014 31st AV S										
MPLS										MN 55417
DATE OF BIRTH	EYES	HEIGHT	WEIGHT	HAIR	SEX					
09 07 50	BRO	604	205	BRN	M					

VIOLATION INFORMATION									
DATE OF OFFENSE	TIME	VEHICLE NUMBER							
07 14 94	1330								
VEHICLE LICENSE NO.	STATE	YEAR	MAKE	MODEL					
COLOR	LOCATION & CITY								
	AV S								
STATUTE OR ORDINANCE NO.	DESCRIPTION OF VIOLATION								
450.210	BALKING								
	POLICE								
	Com Code	CC No							
	05	01							

Endanger Life Or Property
 Accident
 Unsafe Conditions
 Obstructed Vision
 Hazardous Material

BADGE NUMBER: 0735 ORI NUMBER: M N

If you fail to respond to this citation within 7 days, increased penalties will be assessed and a warrant may be issued for your arrest. If a warrant is issued, a penalty of \$30.00 will be added to the fine.

SOCIALIST WORKING PARTY

For a court appearance or information, contact the Violations Bureau on the front of the envelope unless another address is listed above.

SEE INSTRUCTIONS AND FINE SCHEDULE ON BACK OF THIS SHEET
DEFENDANT'S COPY

MOTION TO DISMISS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
_____ DIVISION

The State of Minnesota,
Plaintiff

Dismissal by Prosecuting Authority,
Pursuant to Rule 30.01

versus

Citation / Case # 194-519591
Offense Date 7/16/94

JOSEPH P CALLAHAN
Defendant

The State of Minnesota, plaintiff, hereby dismisses the complaint in the above entitled action for the following reason(s):

the defendant was having a petition
signed

James D. Peterson
Assistant City / County Attorney,

Dated 7/18/94

Attorney Registration # 85972



Knights of the Ku Klux Klan

STATE HEADQUARTERS
PO BOX 438
CONCORDVILLE, PA 19331



277

Self-Hating White Masochists of Philadelphia
1906 South St.
Philadelphia, PA 19146

Dear Communist Scum,

I recently had the terrible misfortune to read over some of your pathetic literature. I must say that rarely, if ever, have I encountered such pathetic mumbo-jumbo. You people are a disgrace to the White race. Your pathetic worship of the nigger jungle beasts in downright laughable. You are the perfect victims, and deserve whatever punishment the local tribe of filthy, stinking, nigger barbarians inflict upon your yellow hides.

Have you no shame or sense of justice? How do you live with yourselves day after day? These ruthless, heartless nigger monsters have turned our cities into nightmare societies, unfit for human habitation. Though they make up only 12% of America's population, they are responsible, according to the FBI, for :

60% of the robberies
54% of the rapes
65% of the murders

This is insanity! Absolute madness. No other nation in the history of mankind would tolerate this mindless brutality and destruction. No other society in history could produce diabolical, race-traiting scum like you. Do enjoy seeing innocent, hard-working White people raped, tortured and murdered by these black devils. Do you get a sexual thrill from it? Where do creatures like you come from?

You pathetic, cringing, little cowards are all self-hating White masochists, who long for the day when America is ruled by nigger storm-troopers. Sexual degenerates are what you are. Sheep in the hands of the jews! PATHETIC LITTLE SLAVES.

You really believe that your dreams of nigger domination will come true, and I don't blame you. Millions of Whites are on their knees before the nigger hordes. The jewish control of our culture, media, and government has turned White people into docile, apathetic, confused little worms. BUT just remember that there are some wolves among the sheep. There are White people among you who will no longer tolerate this barbarism.

Exhibit # 25

The numbers, the power, the influence of the white man is growing. We shall triumph over all the self-hating white masochists and we shall liberate our women and children from these black barbarians.

The White Revolution shall take place. No power on earth can stop us. All of your satanic, heartless work is in vain. The days of the liberal masochists are over. The sleeping giant of the White Man is at last awakening from his slumber.

When I march into Philadelphia at the head of my victorious legions, nigger-worshippers like you will be sent to Africa to live among these animals you so admire. The niggers will show you what brotherhood is all about. Your dreams and sexual fantasy will become reality. You will live in a world dominated by your black masters. Your wives and children will belong to your nigger heroes.

I am monitoring your pathetic, masochistic activity. The eyes of the Lord are upon you. Creatures like you that enjoy seeing niggers rape, rob, plunder and murder shall not win in the end.

White Patriots will win this Civil War.

Your Future President;

Steven Anderson
Grand Dragon
Realm of Pennsylvania

HOTLINE - 717-671-8027

WHITE AMERICANS GET OFF YOUR KNEES
STAND UP FOR YOUR RIGHTS JOIN THE

**Revolutionary
Knights of the Ku Klux Klan**



STATE OFFICE
PO BOX 438
CONCORDVILLE, PA 19331

HOTLINE

DECLARATION

I, TONI JACKSON, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. That on November 17, 1993, a large piece of asphalt was thrown through the window of the Socialist Workers Party offices in Detroit. The damage was discovered early morning on November 18th. No other windows were broken on he street.

2. I witnessed the damage done to the window of the party offices.

3. The premises had been identified as the location of the SWP offices in election campaign literature that had been distributed throughout the city.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 1996.


TONI JACKSON

Date 10/31/96

Exhibit 26

SEND HATE MESSAGE

282



Last Wednesday evening a chunk of asphalt was hurled through a glass window at Pathfinder Book Store in Detroit's New Center Area.

The asphalt chunk, which left a foot-wide hole in the store's glass window, was apparently directed at a display promoting a book called "Nelson Mandela Speaks." The book is a collection of speeches by the South African human rights leader. The store's manager believes the act was racially motivated.

"(The act) is an attack on the bookstore's right to function free of intimidation," said Ariene Rubinstein.

Moreover, she believes the incident was in response to recent developments in South Africa.

Rubinstein says the store will press charges if a perpetrator is apprehended. According to Robert Sedler, Wayne State University professor of law, acts of conduct thought to be racially motivated can result in additional punishment.

"It's one thing for someone to verbally offend someone with racially discriminatory speech, but criminal conduct — or found to be racially motivated — can fall under the Michigan Hate Crime Statute.

The White minority ruled government in South Africa has denied Blacks the right to participate in government and has refused voting rights. But the country is preparing for government elections next year in which all citizens will participate.

Mandela is favored to be the next president.

Ed Vaughn, owner of a popular African American oriented bookstore, took part in a news conference held by Pathfinders. "It's deplorable. It's unfortunate that someone would want to stop the will of the people. But the people will prevail."

Pathfinder Bookstore was established in 1964 and has stores in Toronto, New Zealand and South Africa.

MURRAY CLOSE PHOTO

Who's more 'dangerous' — the media or Michael?

By Steve Molsey
ENTERTAINMENT EDITOR

COMMENTARY

taken him into another galaxy, recorded the song "Human Nature" in 1983, it is unlikely that he could have ever imagined the dramatic changes in his life that

cause. Certainly he could not have ever dreamed that in 1993 he, the most successful recording artist of all time, known also for his love of children and animals, would stand accused of molesting one of those children.

"If they say why, tell them that it's human nature."

INSIDE

THE BUTTE LATEST
MAY BE FOUND IN
ON THE COUNTY

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9
9

DECLARATION

I, PRISCILLA SCHENK, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosures provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On October 29, 1993 a public forum was held at the building that housed the offices of the Socialist Workers Campaign Headquarters, located at the Pathfinder Bookstore, 2105 Forest Avenue, in Des Moines, Iowa. The forum was on the topic of defending a woman's right to choose abortion. Speaking at the forum was Dr. Herbert Remer, a doctor who performs abortions, and Nell Wheeler, SWP candidate for city council.

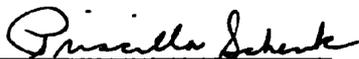
2. David Shedlock, a known leader of the rightist group Operation Rescue, and five supporters picketed the meeting with signs carrying photos of Dr. Remer. The picketers called Dr. Remer a murderer and called participants in the meeting protectors of a murderer. Shedlock took photos of participants in the forum and took down license plate numbers of cars parked in the area around the bookstore. Shedlock and another picketer followed Dr. Remer to his car, took his photo, and stood in front of his car in an attempt to block him from leaving.

3. On August 30, at approximately 7:45 p.m. Shedlock was sitting across the street from the Socialist Workers Campaign Headquarters. As I left the offices, Shedlock yelled at me, calling me a "murderer" and made other remarks and a threatening manner. I returned to the offices to report to my associates what had happened. Shedlock circled the block in his car, writing down license plate numbers. SWP candidate Nell Wheeler left the offices at around 8:00 p.m. and got into her car. Shedlock drove up behind her car and then pulled around her car and drove away.

4. On September 1, at approximately 9:20 p.m., I was leaving the offices and walking to my car when Shedlock drove by shouting "murderer."

5. On September 10 a complaint of harassment was filed with the Des Moines Police Department by both Nell Wheeler and Priscilla Schenk.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 14, 1996.


PRISCILLA SCHENK

Date Nov. 14, 1996

Exhibit #27

DECLARATION

I, MICHAEL BAUMANN, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosures provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. That on September 12, 1993, in Union City, New Jersey, a group of more than twenty right-wing Cuban-Americans attacked me and several others campaigning for the socialist candidate for governor of New Jersey.

2. Shouting "communists, murderers," and "free Cuba," the attackers overturned the campaign table, destroyed campaign literature, and physically assaulted me with a blow to the face. Treatment for the blow, including X-rays, was obtained afterward at Christ Hospital in Jersey City.

3. At least five Union City police officers observed the attack. They neither acted to halt it or to detain any of the attackers.

3. Charges of physical assault were subsequently filed in Union City against the individual who struck me. I was never called to identify or testify against him, and know of no action local authorities have ever taken on the case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 14, 1996.


MICHAEL BAUMANN

Date November 14, 1996

Exhibit # 30

Rightists attack socialist campaign table in Union City, New Jersey

**BY TED LEONARD
AND DAN FURMAN**

NEWARK, New Jersey — Mark Rahn, the Socialist Workers candidate for governor of New Jersey, announced that one of his campaign supporters will be filing charges of assault and interference with a state election campaign following a September 12 incident in Union City, New Jersey, in which four campaign supporters were assaulted.

The campaigners were one of several teams that fanned out across northern New Jersey that weekend to distribute literature and discuss struggles of working people, from the fight for a democratic, nonracial South Africa and the recent agreement between the Palestine Liberation Organization and the Israeli government to the fight to end the embargo against Cuba.

Shouting "communists, murderers" and "free Cuba," a group of right-wing Cuban-Americans overturned the campaign table and physically assaulted the socialist activists.

Michael Baumann, who was helping to staff the table, was punched in the face and had to be

taken to a hospital. Books from the overturned table by Malcolm X, about South Africa, and opposing Washington's 1991 war against Iraq were torn apart.

More than half a dozen Union City police officers were present; they witnessed the attack but did not act to prevent it. The cops briefly held one of the rightists but later released him without filing charges.

The effort to force the authorities to prosecute the attacks is part of a broader fight to defend democratic rights in northern New Jersey. Supporters in the state of the U.S.-Cuba Friendshipment caravan which in August successfully delivered 100 tons of material aid to Cuba, are currently fighting to get charges against three antiembargo activists dropped.

Criminal charges were brought against Eugene McElroy, Jeff Fogel, and Sandy Shvak after they were attacked by rightists. They were assaulted following the loading of material aid for the caravan in a park in Elizabeth, New Jersey.

"The success of the U.S.-Cuba Friendshipment reflects growing

opposition to the U.S. government embargo, including by Cuban-Americans," Rahn explained. "My campaign has had numerous tables in Union City, which has the second largest Cuban-American community in the United States.

"The goal of the rightists is to shut down the discussion through violence and intimidation. These are the same tactics used by outfits like Operation Rescue, whose efforts to shut down abortion clinics in Philadelphia and other cities this summer were thwarted by the mobilization of thousands of young pro-choice activists."

"I call on the Union City officials to condemn the September 12 attack, to defend my right to campaign, and to prosecute to the fullest extent of the law the thugs who attacked my supporters. I also demand the Union county prosecutors drop the charges against the three caravan activists.

"I urge supporters of democratic rights — trade unionists and young persons, fighters for the rights of Blacks and women, defenders of civil liberties — to join me in these demands."

Socialist Workers Campaign Headquarters Vandalized

On June 2, 1993 campaign volunteers arrived at the Socialist Workers campaign headquarters, 1405 E. Madison, at 5:30PM to open the office for the evening. They found that the display window and glass door at the front of the headquarters had been defaced with a red substance that had been smeared over approximately 6 square feet of the glass area. The display behind the area defaced featured books and other literature promoted and distributed by Socialist Workers candidates and supporters.

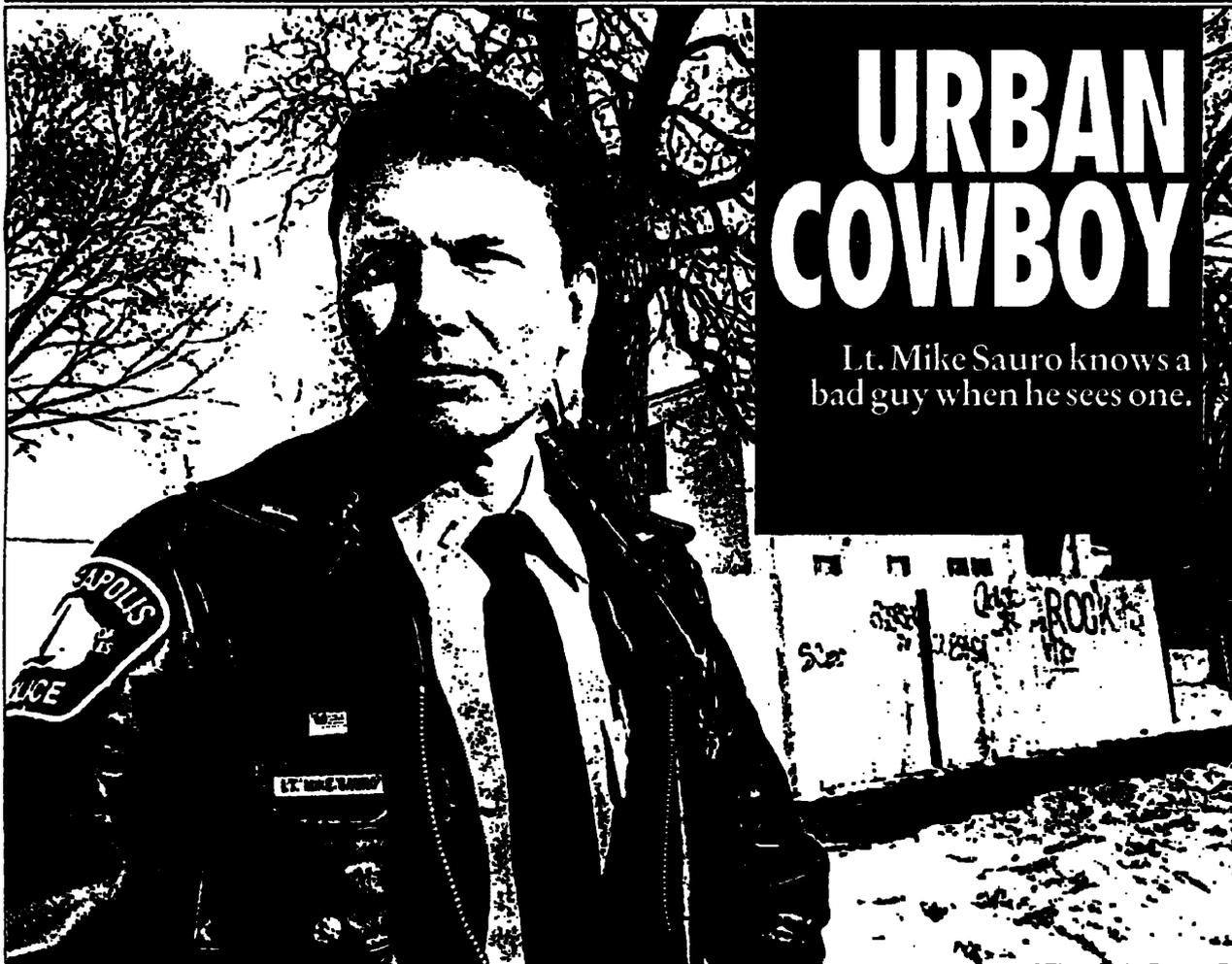
Harvey McArthur
Harvey McArthur

Exhibit # 31

CITY PAGES

NAME OF THE GAME: ...

FROM THE ...



URBAN COWBOY

Lt. Mike Sauro knows a bad guy when he sees one.

KATHY STRAIN

Exhibit #37

critic of the working relationship between the gang coalition United for Peace and MPI) deputy chief Dobrotka. After the murder of officer Jerry Haaf last September, Sauro took the lead in bashing Willis and United for Peace, though there was no evidence connecting UFP leaders to the shooting. In an interview with Star Tribune reporter Peter Leyden, Sauro called Willis a "con man pulling a scam." Yet he wouldn't provide any evidence, and he still hasn't. "I think [UFP's] real goal is to monopolize the dope trade in Minneapolis and the Twin Cities area," he charges. For his own part, Willis claims that few cops hate him more and have done more in the attempt to discredit him than Sauro, whose office is just a few blocks down Lake Street from The City Inc., where Willis works.

Some believe Sauro has been interested in undermining The City Inc.'s effort to organize troubled youth ever since UFP was in the plan-

ning stages. According to Dobrotka, in 1990, Sauro asked City Inc. officials if he could be a liaison between the department and The City Inc. Considering Sauro's record of anti-gang rhetoric and ERU raids into the homes of gang members, some questioned his intentions. Says Ron Edwards: "I le was clearly on a mission to deal with a structure that was beginning to form itself. He wanted to be in a position to gather information and intelligence and be able to further the program of covert operations against the black community."

It's clear enough that Sauro's definition of keeping the peace involves keeping certain people in their place. Sauro makes it clear that at least one black activist, Chris Nisan, is someone he "dislikes a lot," and he didn't hesitate to interject himself when Nisan became involved with the law recently.

The way Nisan tells it, he was driving along Nicollet Avenue when he saw some officers

treating someone "pretty roughly." He pulled over to check out the situation, and ended up getting charged with "failure to move for an emergency vehicle."

"This is a minor offense as far as I can tell," says attorney Peter Erlinder, who represented Nisan on the case, "but for some reason, before trial, the [Minneapolis] Police Federation representative showed up, and Mike Sauro showed up." (Sauro, who wasn't at the scene in the original incident, says he just happened to be in court that day to testify on a traffic case.) "When I went to try to talk to the officers about what had happened, [to see] if my understanding of the facts were the same as theirs, Mike Sauro stepped between us and ordered them not to talk to me."

Sauro insists that all he was doing was telling the officers they didn't have to speak to Erlinder. Give him a minute to warm up, though, and Sauro will tell you what really

bothers him about Nisan: "I le called for the downfall of the establishment!" he bellows in disbelief. "His rhetoric can inflame minds, reinforce what people think that's not the truth, cause dissension, not harmony."



On New Year's Eve of 1990/91, Sauro got into two fights while working security at the now-closed downtown bar Jukebox Saturday Night. The incident started when he asked a black man, Kerry Owen, to leave. "Sauro got very irate," Owen claims. "First he put his hand down on his gun. I said what are you going to do, shoot me? He reached over, pulled out his Mace, sprays Mace in my face, then takes a swing at me."

Sauro to page 12

DECLARATION

I, Henry J. Hillenbrand, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Beginning in March, 1988, I was employed at Conrail. I was politically active on the job and was well known for my political views and for supporting the Socialist Workers Party candidates.

2. In October, 1992, I posted copies of flyers supporting the SWP candidates on the bulletin boards of work areas of the Conrail freight yard in Camden, New Jersey.

3. In early December, 1992, I discovered that two flyers on the bulletin board in one building had hand-written comments on them.

4. On one flyer was the comment: "Henry you fuckin slime ball I'm gonna gut you!" and "Pinko".

5. On the second flyer was written: "It's a Communist Plot!", "Henry must die", and "Bomb this place".

6. This material was brought to the attention of the president of my union local.

7. I never did learn who was responsible for the hand-written comments.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 3, 1996.


Henry J. Hillenbrand III

Date 12/3/96

Exhibit # 38

THE SOCIALIST ALTERNATIVE IN 1992

JAMES WARREN FOR PRESIDENT
ESTELLE DEBATES FOR VICE-PRESIDENT

The divisions among the Democratic and Republican candidates in this election are simply over how best to dump more of the burden of the deepening economic and social crisis onto the backs of working people around the world.

From the attacks on Philadelphia's city workers by the Democratic Rendell administration to the bipartisan moves toward war in Iraq, these Democratic and Republican politicians have one aim: to salvage the crisis-ridden system of capitalism. The interests of working people have no voice in either of the two parties of big business.

Join us for a discussion of the worsening world disorder and how working people can and are fighting back.

We urge working people, youth and all who want to fight the increasingly reactionary course of the twin parties of war, racism and economic depression to become a part of our campaign.



MRS. HILLENBRAN

Hear Socialist Workers candidates for U.S. Senate from Pennsylvania and U.S. Congress from the Second Congressional District!

HENRY YOU
FUCKIN' SLIME.
BALL IM GONNA
GUT YOU!

SATURDAY, OCTOBER 24

PATHFINDER BOOKSTORE

1906 SOUTH STREET

6:30pm Reception 7:00pm Program

DONATION REQUESTED 546-8196

PINKO'S

Support the Socialist Workers Campaign

- Enclosed please find my contribution of \$ 1 STICK OF DYNAMITE
- Call me. I want to help campaign for the socialist alternative. LANTINE
- Enclosed is \$10 for 12 weeks of the Militant, the socialist weekly that covers the campaign or \$6 for four months of the Spanish monthly Perspective Mundial.

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

PHONE _____ UNION/CAMPUS _____ AGE _____

Mail to: Eastern Pennsylvania Socialist Workers Campaign
1906 South St., Philadelphia, PA 19146

IT'S A COMMUNIST PLOT!

Meet the SOCIALIST CANDIDATES

Neither Bush, Clinton, or Perot are offering a road forward for working people in this election. Their differences are simply over how to dump more of the burden of the deepening worldwide economic and social crisis onto the backs of working people by lowering our standard of living.

From attacks on Philadelphia city workers, Boeing and USAir workers to the bipartisan moves to war in Iraq, the three capitalist politicians running for president, have one aim: salvage the crisis ridden system of capitalism.

Join the socialist candidates for a discussion of the worsening world disorder and how working people can and are fighting back against the increasingly reactionary course of the twin parties of war, racism and economic depression.

27th Street

Time: Thursday, 10/22

Place: 630 to 730 AM

Socialist Workers Campaign 1906 South St., Philadelphia, PA 19146 (215) 546-8196

EMILY MUST DIE

NO BOMB THIS PLACE

1992 SOCIALIST WORKERS CAMPAIGN

141 Halsey Street, Newark, New Jersey 07102 • Telephone (201) 643-3341

James Warren/U.S. President • Estelle DeBates/U.S. Vice President
Olga Rodriguez/2nd CD • Simone Berg/6th CD • Jason Redrup/8th CD • Raymond Parsons/9th CD • William Leonard/10th CD • Jane Harris/13 CD

10/15/92

Richard Kelly
Vice President/ General Manager
Port Authority Trans Hudson Corp.
1 World Trade Center
New York City, New York 10048

Dear Mr. Kelly,

I am the Socialist Workers 1992 Campaign director. On Monday, September 28, 1992, our congressional candidate for the 9th C.D., Ray Parsons, was cited by a PATH transit police officer (badge #414).

Ray Parsons was campaigning at Journal Square. He was distributing pamphlets and other materials promoting the campaign, including the Militant newspaper.

Mr. Parsons was charged with NJ state law 32:146.8, "distributing pamphlets without a permit." A week earlier the campaign was told by PATH authorities that all 6 spots reserved for tables were booked thru October 8. Mr. Parsons, led a team of supporters to Journal Square, without a table, to distribute campaign literature. This charge is an attack on democratic rights. What was involved was the expression of political ideas as part of this year's elections. This is constitutional activity, protected under the First Amendment. PATH does not have the right to restrict distribution of election campaign materials.

I am appealing to you to see that this citation # 143167 be dropped, and that the rights of candidates and supporters to campaign on PATH property without harassment be assured by your office.

Enclosed are copies of letters we received from the City of Newark and Jersey City confirming that no permit is required for the distribution of printed political material.

Sincerely,
Nancy L. Boyasko
Nancy L. Boyasko
Socialist Workers '92 Campaign
Director

CC: Harold O'Grady
Captain Angelo Fiore
Michael D. Driscoll

Exhibit # 39

ORDINANCE VIOLATION
MUNICIPAL COURT OF JERSEY CITY

No. 143167

DOCKET # _____

MUNICIPAL COURT OF _____

JERSEY CITY

HUDSON

COUNTY, NEW JERSEY.

PATH

v.

PARSONS

DEFENDANT

SUMMONS
NON-INDICTABLE
OFFENSE

STATE OF NEW JERSEY

COUNTY OF HUDSON

122-58-
SS. 2580

YOU ARE HEREBY SUMMONED TO APPEAR PERSONALLY BEFORE THIS COURT
AT THE TIME AND PLACE SPECIFIED BELOW TO ANSWER THE FOLLOWING
OFFENSE(S):

NAME Raymond Anthony PARSONS

STREET 1109 14th AVENUE

CITY-STATE BIRMINGHAM ALABAMA

ON THE 29 DAY OF Sept 1977 AT 8:15 P.M.

IN THE MUNICIPALITY OF JERSEY CITY

COUNTY OF HUDSON STATE OF NEW JERSEY

DID UNLAWFULLY VIOLATE THE PROVISIONS OF:

STATUTE: 32-7-146.8 REGULATION: _____

ORDINANCE: LAWS OF N.J. to GUARANTEE

BY COMMITTING THE FOLLOWING OFFENSE(S):

Distributing pamphlets

W/o a permit

Law 32-77-63

YOU ARE NOTIFIED THAT THE UNDERSIGNED WILL FILE A COMPLAINT IN
THIS COURT CHARGING YOU WITH THE OFFENSE(S) SET FORTH ABOVE.

9/24/77 (DATE) [Signature] #4114
(SIGNATURE) AND IDENTIFICATION OF OFFICER

NOTICE: If you intend to plead not guilty and to contest the charges in this summons, at least
5 working days prior to the date fixed for your appearance in court, you must so notify the clerk, whose
address and telephone number is shown on the back of this summons. If you fail to notify the clerk, it
may be necessary for you to make two court appearances.

COURT APPEARANCE REQUIRED (SEE REVERSE SIDE)

COURT APPEARANCE 7 DAY OF Oct 1977 AT 9 M.

ADDRESS OF COURT 700 Montgomery St., Jersey City, N.J.

(Form approved May 1974)

SUMMONS

P. A. drops leafletting charge against candidate

By Edmund Byrne
 A Port Authority official yesterday said that the Port Authority has dropped a charge against Raymond Farnum, a Newark candidate for Jersey City Mayor, for distributing leaflets in the Journal Square Transportation Center without a permit.

The Port Authority spokesman said that the charge was dropped because the regulations that require a permit to distribute leaflets in the center are unconstitutional. He said that the Port Authority has decided not to prosecute Farnum because of the "unusual" nature of the case.

A spokesman for the Port Authority, John Kamp, said the agency decided not to prosecute Farnum because of the "unusual" nature of the case. He said regulations that require a permit remain in effect. The regulations are needed to prevent disruptions, he said.

Kamp said the case was unusual because of the extraordinary amount of political activity this election season. Nineteen persons running for Jersey City mayor had also applied for permits, but only Farnum probably wouldn't have been granted one because there would not have been enough room, he said.

William Volonte, a Newark attorney who represented Farnum for the American Civil Liberties Union of New Jersey, said the Port Authority's decision showed its regulations are unconstitutional.

The Port Authority usually issues permits for leafletting in the center. The regulations are needed to prevent disruptions, he said.

11/24
Activist
 'cleared'

By DAVID SCHWAB

A man who was issued a summons for distributing campaign leaflets at the Journal Square Transportation Center without a permit had the charges against him dropped yesterday.

The Port Authority of New York and New Jersey, which operates the transportation hub in Jersey City, decided to drop the charges against Raymond Farnum, 29, of Newark. Farnum was issued a summons Sept. 25 as he distributed leaflets for the Socialist Workers Party.

The charges were dropped at the request of the Port Authority by Jersey City Municipal Court Judge Lewis McIner just before a trial was to begin.

A spokesman for the Port Authority, John Kamp, said the agency decided not to prosecute Farnum because of the "unusual" nature of the case. He said regulations that require a permit remain in effect. The regulations are needed to prevent disruptions, he said.

Kamp said the case was unusual because of the extraordinary amount of political activity this election season. Nineteen persons running for Jersey City mayor had also applied for permits, but only Farnum probably wouldn't have been granted one because there would not have been enough room, he said.

William Volonte, a Newark attorney who represented Farnum for the American Civil Liberties Union of New Jersey, said the Port Authority's decision showed its regulations are unconstitutional.

DECLARATION

I, Susan Zárate, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Myself and another supporter of the Socialist Workers 1992 election campaign set up a literature table and were campaigning in Jersey City's Asian community on September 20, 1992. This was at the corner of Bowers and Central Avenue.

2. Along with the Militant newspaper, literature supporting the socialist presidential ticket, and books and pamphlets on socialism, we were also handing out a statement against police brutality because there had been an escalation of such incidents in Newark.

3. After about 30 minutes two police officers drove up, got out of their car, and wrote out tickets charging us with violating ordinance 8-170 for "attempting to vend merchandise without a permit."

4. After a protest campaign, including an address to the Jersey City Council by Jane Harris, SWP candidate for U.S. Congress, the charges were dropped and our rights to conduct such activity upheld.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 1996.

Susan Zárate
Susan Zárate

Date Nov. 16, 1996

Exhibit # 40

Socialist campaigners win victory for democratic rights in New Jersey

BY MARTY PETTIT

JERSEY CITY, New Jersey — City officials were forced to back off from their harassment of socialist campaigners here. In a victory for democratic rights, the New Jersey Socialist Workers campaign received a letter signed by acting corporation counsel of Jersey City Paul Mackey stating that campaigning is "protected by the First Amendment and cannot be regulated under peddler's licenses such as the one adopted by Jersey City... the Socialist Workers Campaign Committee is not required to maintain a peddler's license to conduct its activities on the streets of Jersey City."

Jane Harris, SWP candidate for Congress in the 13th District, and several of her supporters requested such a letter at the September 30 Jersey City council meeting, following the ticketing of two of her supporters September 20 on charges of violating the city's peddling ordinance.

Harris led a team of campaign volunteers to Jersey City's Asian Indian community September 20 after three men were finally indicted for violating federal civil rights laws in the brutal beating five years earlier of 28-year-old Dr. Khausal Sharan. The crime against Dr. Sharan came in the midst of a series of violent attacks against Asian Indians in the summer of 1987. Among the victims were Bharat Kanu-Bhai Patel, who was beaten by youths with a 10-pound aluminum rod; students Vikas Aggarwai and Syed Shukaib Hasan, who were attacked in Hoboken by teenagers wielding baseball bats; and Navroze Mody, who died of his injuries after being beaten on a Hoboken street.

The campaign volunteers passed out a statement issued in response to an escalation of police violence in neighboring Newark,

New Jersey. There was also quite a bit of discussion about the cop riot that had occurred in New York City a few days earlier.

Volunteers Devin Oldendick and Susan Zárate had been campaigning for about a half-hour when cops drove up and summarily wrote out two tickets. The tickets carry a fine of \$100 each.

The council was unanimous in supporting the socialist campaign's request for the letter confirming their right to distribute literature. Councilman Jaime Vazquez said, "We're dealing with something other than vending here... The police may not agree with what [the socialists] are saying, but [the socialists] have a right to their point of view." Vazquez was referring to the fact that the socialist campaign table posted a sign saying "Stop Police Brutality."

Assistant corporation counsel Thomas Fodice, who was present at the meeting, was forced to admit, "In general, political material is protected even if there is a charge for that material."

Carmen Mendiola of the city law department affirmed on October 1 that the police are "tearing up" the citations.

Jane Harris commented, "This is an unqualified victory. The American Civil Liberties Union had agreed to represent us in a civil liberties lawsuit. On the day of the city council meeting former Jersey City mayor Gerald McCann reported to prison to serve a sentence for corruption, so the city was not in a strong position to fight this. My campaign supporters plan to take full advantage of this opportunity to reach working people in Jersey City with the socialist alternative in the remaining weeks of the campaign."

City of
JERSEY CITY

Law Department
280 Grove Street
Jersey City, NJ 07302

Fax (201) 547-5230
(201) 547-5229

October 1, 1992

Joan E. Bailey
Secretary of ABC & Licenses
325 Palisade Avenue
Jersey City, New Jersey 07307

Dear Ms. Bailey:

At its meeting of September 30, the council asked me to issue an opinion as to whether members of the Socialist Workers Campaign Committee are required to obtain a peddlers license in order to disseminate leaflets and campaign literature on municipal sidewalks.

The Jersey City peddlers ordinance applies generally to persons travelling from place to place for the purpose of selling "goods, wares and merchandise." Jersey City Code §§ 8-169 and 8-170. It does not apply to the dissemination of leaflets, pamphlets, campaign literature and any other pertinent material intended to convey a political message, whether or not a donation is solicited for such materials. These activities are protected by the First Amendment and cannot be regulated under the peddlers ordinance such as the one adopted by Jersey City.

Based on the foregoing, the Socialist Workers Campaign Committee is not required to maintain a peddlers license in order to conduct its activities on the streets of Jersey City.

Very truly yours,

PAUL MACKEY
Acting Corporation Counsel

Thomas Fodice

THOMAS FODICE
Asst. Corporation Counsel

TF/sw

cc: Police Director of City of Jersey City
Harold O'Grady, Assistant Corporation Counsel
Police Legal Bureau of City of Jersey City



LEGAL BUREAU 547-4687

October 7, 1992

1992 Socialist Workers Campaign
 Attn: Ms. Jane Harris
 141 Halsey Street
 Newark, New Jersey 07102

Dear Ms. Harris,

I am writing this letter in behalf of the Jersey City Police Department regarding your letter to Mayor Rakowski on Sept. 22, 1992 concerning the issuance of two municipal ordinance violation summonses to your campaign workers Susan Zarate and Devin Oldendick on Sept. 20, 1992. (Summons #'s 164792 and 164793).

Please be advised that the summonses in question are no longer valid. The violation alleged, to wit, the selling of political books and pamphlets at a sidewalk table, did not constitute a violation of Jersey City Municipal Code Section 8-170, which regulates the licensing of peddlers.

These summonses are now null and void as the complaints have been withdrawn. Please notify Ms. Zarate and Mr. Oldendick not to appear in court on October 30, 1992, as stated on their copies of the summonses. The police officers have been advised accordingly.

We regret any inconvenience this misunderstanding may have caused. Our office will be conferring with the Corporation Counsel in regards to revising the peddling ordinance to clarify its application to the sale and dissemination of political literature and pamphlets. Thank you for bringing this matter to our attention.

Sincerely,

Sgt. Christine Megargel
 Sgt. Christine Megargel for
 John J. Dooley, Captain
 Legal Bureau

cc. Police Director Joseph M. Pelliccio
 Chief of Police Robert J. Sabo
 Corporation Counsel Paul Mackey
 Asst. Corp. Counsel Tom Fodice
 Devin Mark Oldendick
 Susan Cherly Zarate
 File

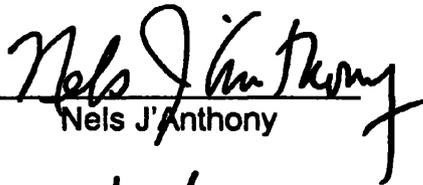
DECLARATION

I, Nels J'Anthony, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I was the Socialist Workers Party candidate for U.S. Congress in the third Congressional District in the State of Utah. .
2. On the night of August 28, 1992, myself along with a campaign supporter stood on a public sidewalk in downtown Salt Lake City. We were passing out leaflets which promoted attendance at two events the next day. Both events were protests against police violence and called for justice for a victim of a police shooting. After about a half hour, two uniformed Salt Lake City police officers came out of a near-by club and told us to leave. They asked us, "Don't you know that passing out leaflets in Salt Lake City is illegal?" they told us that in order to pass out leaflets we needed a permit. Otherwise, we were told, this activity would be considered littering and against the law. We then left, threatened with arrest for what is constitutionally protected activity. .
3. I filed a complaint with the ACLU of Utah Foundation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1996.



 Nels J'Anthony

Date 11/17/96

Exhibit #41

Socialist Workers Campaign of Minnesota

James Warren for President - Estelle DeBates for Vice President
Chris Nisan for Congress (5th C.D.) - Jo Rothenberg for Congress (4th C.D.)
Gerardo Sanchez and Susanne Derby for State Senate
508 N. Snelling, St. Paul, MN 55104, (612) 645-1674

322

June 19, 1992

Police Chief John Laux
Minneapolis, Minnesota

Dear Chief Laux,

I am writing to protest an incident of political harrassment by the Minneapolis Police Department.

It has been brought to my attention that on Thursday, June 11, in the early afternoon, Police Officer Farreel (2nd Precinct, Squad Number 250) ordered three supporters of the Socialist Workers election campaign to take down a campaign table which they had set up on the corner of 4th Avenue and 14th Street in Dinkytown. The officer threatened the three election campaign supporters that he would issue a citation to them if they did not remove the table.

Supporters of Socialist Workers election campaigns have been setting up tables in this location for decades without any problems.

This sudden abridgement of a long established democratic right occurred the day after Susanne Derby - a Socialist Workers candidate for Minnesota State Senate, spoke at a rally on the plaza outside the Hennepin County Government Center condemning the anti-democratic character of a leaflet issued by the Community Crime Prevention/SAFE unit.

Beginning July 7 we will be organizing an intensive two-week effort to collect thousands of signatures on petitions to place the names of the 1992 Socialist Workers candidates on the ballot. This effort will involve setting up campaign tables and organizing street rallies in Minneapolis, as well as other cities in Minnesota. We expect our constitutional rights to be respected.

Sincerely,



Marea Himmelgrin
Socialist Workers Minnesota State Campaign Manager

Exhibit #42

MINNEAPOLIS POLICE DEPARTMENT
350 South Fifth Street - Room 130
Minneapolis Minnesota 55415-1389

(612) 673-2853

JOHN T. LAUX
CHIEF OF POLICE



July 6, 1992

Ms. Marea Himelgrin
SocialistWorkers Campaign of Minnesota
508 N. Snelling
St. Paul, MN 55104

Dear Ms. Himelgrin:

I have looked into your complaint involving an incident that occurred on June 11, 1992 at 4th Avenue and 14th Street S.E.

The police responded to that location at the request of several businesses in the area on a complaint that the individuals in question were blocking the sidewalk and interfering with the free flow of pedestrian traffic. The officer determined that in fact, the sidewalk was blocked and asked the individuals to move and they refused.

The officer consulted with his supervisor, who contacted the City Attorney, who advised on the elements of the blocking. The individuals were asked again to move, they refused and it was then that the officer advised that the individuals would be cited if they didn't comply; all of which was appropriate for the circumstances.

As you are aware, you are free to conduct your activities as long as it does not violate the law and interfere with others' free movement. The issue relative to this incident was the blocking of the sidewalk, not an abridgement of your rights, for there was another individual across the street handing out material who was not approached because he caused no problem or obstruction.

Sincerely,

JOHN T. LAUX
CHIEF OF POLICE
MINNEAPOLIS POLICE DEPARTMENT

JTL/njw

TDD (612) 673-2157
AFFIRMATIVE ACTION EMPLOYER

Printed on Recycled Paper



Socialist Workers Campaign of Minnesota

James Warren for President - Estelle DeBates for Vice President
Chris Nisan for Congress (5th C.D.) - Jo Rothenberg for Congress (4th C.D.)
Gerardo Sanchez and Susanne Derby for State Senate
508 N. Snelling, St. Paul, MN 55104, (612) 645-1674

324

July 17, 1992

Police Chief John Laux
Minneapolis Police Department
350 South Fifth Street - Room 130
Minneapolis, Minnesota
55415-1389

BY FAX

Dear Chief Laux,

I am in receipt of your letter of July 6 which is postmarked July 13 and which responds to my letter of June 19th protesting political harrasment of a campaign literature table by the Minneapolis Police Department on June 11.

I have double-checked with the three campaign supporters who were ordered by Officer Farreel to take down a literature table in Dinkytown on June 11th, and the findings of your investigation of the incident simply are not accurate.

Officer Farreel did not ask the campaign activists to "move" the table, he demanded that they remove it completely from the Dinkytown area. Had he asked them to move the table 5 or 10 feet because, in his judgement, it was interfering with the free movement of others, they would, of course, have complied. But this was never presented as an option - he simply told them they could not set up an election campaign literature table anywhere in the vicinity of the intersection of 4th Avenue and 14th Street SE.

As I pointed out to you in my letter of June 19th, this is the first time in decades that the Minneapolis Police Department has shut down one of our tables. I have enclosed an article from the City Pages regarding the incident, which I believe hits the nail on the head regarding the political nature of this assault on long established 1st amendment rights.

As proof of your contention that this was not an abridgement of the rights of the campaign volunteers, you say that "another individual across the street handing out material was not approached because he caused no problem or obstruction." How is the fact that Officer Farreel did not seek to completely abridge the rights of the campaign volunteers, proof that he did not seek to abridge some of their rights?

I find your letter curious in the light of Sergeant Lawler's July 7th verbal "apologies on behalf of the Minneapolis Police Department" for the June 11th incident.

Sincerely,



Marea Himelgrin
Minnesota State Socialist Workers Campaign Manager

cc: Mayor Fraser - complete set of correspondence

7/8/92

CITY PAGES

For Capitalists Only

In Dinkytown, sidewalk displays are part of the neighborhood's character, with tables set out by merchants, people selling T-shirts and jewelry—or political party tables laden with ideology. Few people know that such displays are illegal in the city of Minneapolis, and laws prohibiting them are rarely enforced. So, after 20 years of disseminating information from a table on the sidewalk at 14th Avenue and Fourth Street Southeast, members of the Socialist Workers Campaign of Minnesota were surprised when a police officer ordered them to pack up on June 11.

Lt. Jack Nelson, shift supervisor of the 2nd Precinct, acknowledged that while officers often overlook such a minor infraction, they do occasionally "make a judgment call." Nelson didn't mention the party's display of campaign posters calling for "Justice for Rodney King! Federal Prosecution of the Cops Who Beat Him!"

In any event, the SWC got its vindication. As the group was preparing for a Dinkytown protest Tuesday, an officer came up and "formally apologized to us," a spokeswoman said. The officer also said a statement from chief John Laux was in the mail, and that SWC tables would not be taken down again.
(Caniglia)

June 22, 1993

In 1992, I was the Socialist Workers Party candidate for Washington State Governor.

On Saturday, June 27, I and several campaign supporters were campaigning on the corner of Pike Place and First Avenue in Seattle. We were petitioning to collect signatures as required by state election laws to nominate candidates of the SWP.

During this effort we were harassed several times by Seattle police who threatened to confiscate our campaign literature and make arrests if we did not leave the area.

After several discussions over forty minutes time, as we insisted we had the right to campaign on the street, the police officers finally left.

The police actions intimidated passersby from stopping at our campaign table and interfered with our ability to petition.

Kathleen Wheeler
Kathleen Wheeler

Exhibit #43

Peoria cops arrest socialist candidate

BY MARGARET JAYKO

PEORIA, Illinois — Kate Kaku, a member of the United Steelworkers of America and the Socialist Workers Party candidate for U.S. Senate in Illinois, is demanding that trumped-up charges of criminal trespass and obstructing police, against her and a campaign supporter, be dropped immediately.

Kaku and campaign supporter Mary Zins, a laid-off coal miner and member of the United Food and Commercial Workers union in St. Louis, Missouri, were arrested at the March 22 national rally here in solidarity with United Auto Workers (UAW) union members on strike against Caterpillar, Inc. Both were released shortly after posting \$100 bail each. A hearing is set for April 20. The misdemeanor charges carry penalties of up to 13 months in prison and \$1,500 in fines.

The rally was held in Peoria's Civic Center Arena and attracted some 15,000-20,000 strikers and their supporters in the UAW, other unions, and people from the community. Top UAW officials from Detroit organized and ran the rally.

"I and Socialist Workers campaign supporters from all over the country arrived at the site early in order to distribute our campaign newspaper, the *Militant*; other campaign literature; and a flyer for a socialist campaign open house later in the day," explained Kaku in an interview after being released from jail. Kaku was identified on the leaflet as the featured speaker at the open house.

Many campaign supporters are members of the auto workers and other industrial unions, added Zins, and they came to the rally with their coworkers, many of whom bought copies of the *Militant* on the way to the event.

Initially, Kaku recalled, campaign supporters were able to freely circulate socialist literature inside and outside the arena. Rally marshals, most of whom were Caterpillar workers, were among those most interested in buying the paper that has been supporting their strike since it began in November, said Kaku.

Around 10:45 a.m., the cop who later arrested Kaku and Zins demanded that a campaign literature table be moved off civic center property and across the street. The UAW had rented the arena, he said, and didn't

want socialists distributing literature there.

"So we moved the table across the street, and continued to distribute literature on public property," Kaku continued.

After campaigning outside for a while, Kaku and Zins went into the civic center to hear the rally. A UAW member from Cincinnati introduced Kaku to a coworker who wanted to discuss jailed unionist Mark Curtis's fight for justice. Curtis is Kaku's husband.

"This worker also expressed his disagreement with the policy of not allowing campaign material to be distributed in the arena," said Kaku. Despite the fact that the rally was a public event, open to all who supported the strike, some marshals began asking for proof of union membership, and arbitrarily excluding some unionists and students.

A socialist campaign supporter from Des Moines, Iowa, was asked by a cop who was with a group of marshals, "Are you with that Oriental woman running for Senate?" After grabbing a *Militant* newspaper out of his bag the marshals and police marched him out of the arena. Some marshals made clear that this exclusionary policy was imposed on them by the top UAW officials; it was not a decision made by the striking Peoria local. The "order came from Detroit," was how one put it, referring to the site of the union's national headquarters.

While Kaku was discussing her husband's
Continued

Exhibit 48

Peoria cops arrest socialist candidate

Continued

fight for parole, the same cop who had demanded that the campaign table be removed reappeared and asked Kaku and Zins to step outside. "He claimed he already told us we could not be on arena property," the candidate explained. "We reminded him all he had asked was for us to move the campaign table, which we did. We weren't distributing literature inside the arena, and we were attending the rally like other supporters of the strike."

At that point, recalled Zins, the police officer claimed the UAW officials didn't want "disrupters" at their rally, and had asked him to especially kick out Kaku and Zins. "We asked him who in the UAW had said this," Zins continued. But he refused to discuss the matter further and threatened them with arrest unless they left immediately. Both complied.

Some UAW members from St. Louis then went inside to talk to union officials about reversing this undemocratic move. A UAW

marshal agreed to escort Kaku and Zins into the rally. Both went in and assumed the matter was settled.

"A little while later, as we were walking out of the restroom, the same cop came back and told us we were under arrest," said Kaku. "We told him UAW marshals had let us in, but he demanded we go outside. We asked to be able to talk to the marshals who let us in. The cop retorted we could call them to hail us out of jail."

The two women were then searched, handcuffed, and put in a police car. They were never read their Miranda rights. Then the cop pulled a *Militant* out of each of their purses saying, "This is Exhibit A."

"Since being in the rally was not a crime, he obviously decided to lie and claim we were distributing literature inside," said Kaku.

"The charges against us should be dropped immediately," emphasized Kaku. "They are a violation of my right to free speech and they are an attack on our right to campaign for the socialist alternative in the 1992 elections and for working people to discuss politics." In addition, she said, "Such harassment and threats are a blow to the Caterpillar strike. They make it harder for these fellow fighters to win the solidarity they need — and have earned — in the face of a concerted company attack on their wages and conditions."

Margaret Jayko is a member of UAW Local 2244 in Fremont, California, and works on the truck assembly line at New United Motors Manufacturing, Inc.



Militant/Dennis Chambers

Cop at Caterpillar rally tells socialist activists to remove literature table. Mary Zins (with glasses) and socialist candidate Kate Kaku were later arrested.

Charges dropped against unionists

BY ERNIE MAILHOT

PEORIA, Illinois — In a victory for democratic and union rights, charges of criminal trespass and obstructing an officer that had been filed against two unionists were dropped here April 20.

"This is a victory for all people fighting for their rights, especially workers at Caterpillar who waged a five-month strike to defend their union," said Kate Kaku, Socialist Workers candidate for U.S. Senate in Illinois and a member of the United Steelworkers of America. Along with Mary Zins, a long-time activist in the United Mine Workers of America who is currently on layoff, Kaku was arrested by police at a March 22 rally here in support of striking Caterpillar workers.

Supporters of Zins and Kaku attended the court hearing and a press conference outside the courthouse after the charges were dropped. "From Peoria to Buffalo, New York," Kaku told the press, "young people, working people, working farmers, and others are resisting the assaults by the employers, their government, and the ultrarightist forces their system engenders.

"As in our case, the cops and employers attempt to close down the political space working people have to discuss how to fight back. The rulers seek to intimidate those who want to join in struggles and strikes across the country," Kaku said. "That is why Mary and myself were arrested and that is

Charges dropped against unionists

why we won such quick backing for the demand that the charges be dropped."

Zins and Kaku were part of the large crowd that came to the March 22 rally as the strike against Caterpillar was heating up. Both had spent part of the day distributing campaign literature, selling the *Militant*, and talking with striking workers before going into the rally.

They were soon approached by a cop, taken out of the civic center where the rally was being held, handcuffed, put into a police car, searched, jailed, and charged.

Recognizing the stakes in the fight, and the fact that their arrests were meant as a message from the cops and government to United Auto Workers (UAW) members and others who supported the strike, Zins and Kaku organized a defense committee and garnered support among working people, students, and political activists in the area. Funds were raised to hire Peoria attorney

Clayton Moushon.

At the hearing the state attorney's office gave no reason for not pressing ahead with the charges. This is despite the fact the cops earlier told the local press the two had been arrested at the request of the UAW, who, the cops claimed, didn't want "militant literature" being passed around. It is clear that both the inability to back up this claim and the extent of the calls for dropping the charges led to the victory.

"Quite a few miners were outraged at our arrests," Zins said. "They were determined not to let it happen. The police thought they could get away with dealing a blow to workers' and young people's ability to organize ourselves. They found out differently."

Zins and Kaku thanked their supporters. "Without your support we wouldn't be here victorious," said Zins. "We will continue to build support for the fight now ahead of workers at Caterpillar, as they face ongoing attempts by the company to weaken their union. We will continue to campaign here and encourage others to do the same."

A reception will be held in St. Louis April 25 to celebrate the victory and raise funds to cover the legal and publicity fees involved in the defense case. The event will begin at 6:00 p.m. and will take place at the Pathfinder Bookstore located at 1622 S. Broadway. Donations to the Committee to Defend Kaku and Zins can be sent to: P.O. Box 314, Madison, IL 62060.

Libyan Ambassador All Ahmed Elhouderi announced the plan to turn over the ac-

time working elsewhere. ■ Refused to revive a lawsuit in which the publishers of

the shuttle fleet for almost half a year in 1990. NASA hoped for an 8 a.m. (EST) launch today.

Ident: Ore officer and cc

FROM PAGE A1

UAW

have been." The money was supplemental strike pay that everyone on strike at Caterpillar will receive. The UAW international paid each of its striking Caterpillar members \$100 for each week they have been out on strike or locked out.

The strike, which has idled 10,800 workers in Illinois, entered its 20th week on an up note.

"I was overwhelmed beyond expectation" at Sunday's Adopt-a-Striker Day rally, UAW Local 974 President Jerry Brown said.

Caterpillar strikers, who are entrenched in what union officials call a fight for all American labor, left Sunday's rally knowing they would have extra money in their pockets and knowing they had the support of unions behind them.

"It was something that I wished every member and his family had attended," said Clingan, one of the more than 15,000 who attended the rally. "You come away with the understanding of what we are fighting for."

As bus after bus arrived for the rally, people unloaded about 12 pickup loads of canned goods and other non-perishable items.

"It was a fantastic outpouring," Brown said. He added that the canned goods will be divided among the three striking locals — Aurora, Decatur and East Peoria — which will pass them out.

The four-hour rally was a "complete success," UAW spokesman Karl Mantyla said. He said he hopes Caterpillar realizes the union's unity and resolve to settle only when they receive an equitable offer.

"We hope the showing of solidarity will get Caterpillar off dead center. And, hopefully, Wednesday they will be ready to negotiate," Brown said.

"The tremendous show of support and solidarity is a great uplifting experience and it will stay with our people for weeks to come."

But Caterpillar's vice president of human services, Wayne

Peoria Star Journal 3/24 No crime problems reported at UAW rally

□ Peoria police say they had fewer calls than usual during rally

By WARLETTA JOHNSON of the Journal Star

Peoria police reported fewer calls than usual during Sunday's United Auto Workers rally.

Patrols were beefed up to handle one of the largest events in city history, said Assistant Police Superintendent Jeanne Miller. But she declined to say how many officers were used and how much the department spent on overtime.

"We kept everything to a minimum. We spent a lot less for this than we do for Steamboat Days and the Fourth of July," she said.

Peoria County and Illinois State Police were on standby in the event of major problems from the rally, Miller said.

State Police Sgt. Jerry Callison said eight first-shift troopers were kept over two hours and nine second-shift troopers

Zimmerman, does not see the rally having any effect on the negotiations. Talks are scheduled to begin Wednesday morning in the St. Louis suburb of Bridgeton, Mo.

"As far as we are concerned, the rally will be history and we'll be back facing the same issues as before," Zimmerman said Sunday. "Our final offer is on the table and it's a very good offer."

Those statements did not sit well with Brown.

"What he is saying is our members are not too bright," Brown said. "For Zimmerman to make those statements is unbelievable."

While the rally is only a memory and the supplemental checks have been dispersed, more money will be made available to the strikers.

In a couple of weeks, pickets should be seeing some of the

came in an hour early. There were extra patrols in the Peoria area and some command officers attended the rally, he said.

Figures from the county were unavailable Monday evening.

Miller said she met with UAW and Caterpillar Inc. officials in the weeks prior to the rally and was confident there would be no criminal activity. And that was the case.

"Estimating from what we saw in the Civic Center, there were 15,000 to 16,000 people here for the rally and we did not have one crime incident," she said.

Peoria police arrested Mary Zins, 38, of St. Louis and Kathleen M. Koaku, 31, of Chicago on criminal trespass charges after rally organizers asked to have them removed for passing out militant literature the UAW did not want to be affiliated with, Miller said.

The women were told they could attend the rally and not pass out the literature, but they continued to distribute the newsletters, police said.

more than \$1 million raised for the Adopt-a-Striker fund, Brown said. The money will be added to the \$250,000 that already is in the account. One of the largest donations came from UAW members at Deere & Co. They gave \$147,000, Brown said.

Brown said it takes about \$250,000 to give each striker an extra \$25.

EVANS

rateur from Moline. "By withholding this information until after the primary, I feel he cheated his constituents ... Evans, in my opinion, has heightened voter perception that Congress is arrogant, privileged and ineffective."

Evans said he reviewed his bank statements last fall and didn't think he had written any bad checks. However, he said

he let after record At mer H nois r said th House were r funds. "I w proble June 1 positiv the pe bank those until s positve The wrote his a from \$ travel a POY Vietna "M: Evans not ta tion in Eva was el turned the Tr

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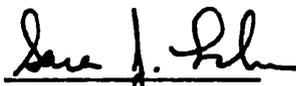
DECLARATION

I, Sara J. Lobman, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On February 20, 1992, a bullet was fired through the front window of the Des Moines, Iowa, offices of the Socialist Workers Party and Young Socialist Alliance.
2. The two organizations were centrally involved in a fight against police brutality, which had developed several months earlier in the wake of a cop beating of Larry Milton, a 35-year-old Black worker.
3. At the time I was the chairperson of the local chapter of the Young Socialist Alliance and had been the Socialist Workers Party candidate for mayor in the 1991 elections.
4. In discussions with Internal Affairs Sergeant Jim O'Donnell, I was informed that the case was suspended unless I could come up with the name of a suspect.
5. Only when he was told this was the third attack on the offices in several years did he agree to resubmit it to the detective bureau to see if they would reopen the file.
6. To my knowledge no investigation was ever carried out and no one was ever arrested in the incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 1996.


Sara J. Lobman

Date 10/31/96

Exhibit 49

Bullet shot at Des Moines Pathfinder Bookstore

BY JOHN STUDER

DES MOINES, Iowa — A bullet was fired through the large Plexiglas storefront windows of the Pathfinder Bookstore here the evening of February 20. The bookstore also houses the offices of the Socialist Workers Party and Young Socialist Alliance. Last week the Mark Curtis Defense Committee moved its materials and equipment in.

The bookstore has served as an organizing center in the fight against police brutality here the past month and a half in the wake of last December's brutal cop beating of Larry Milton, a 35-year-old Black worker.

Activists in the fight against the cops' brutality have used the bookstore as a place to meet and plan actions, and to discuss the role of the cops under capitalism.

Bookstore manager Shirley Peha explained that volunteers returned to the store after a meeting to find the front window with a bullet hole in it. There was glass blown out on the floor over 40 feet away.

The police were called to the scene and dismissed the attack as "mischief." The bookstore has been physically attacked twice before in the past few years, and the police have consistently refused to take any action.

Cleve Andrew Pulley, a leader of the SWP, and Sara Lohmann, chair of the YSA, wrote to Des Moines mayor John Dornan to urge he use his office to press for the apprehension and prosecution of the thugs who shot the bookstore.

"As you know from our participation at city council meetings and public hearings called by the city council over the last two months, we are well-known participants in the effort to protest the police beating of Larry Milton," they wrote.



Pathfinder bookstore in Des Moines had window pierced by bullet February 20

Milton

"Unionist and political activist Mark Curtis, whose defense committee rents space in our office, recently won an \$11,000 judgement against the Des Moines police for brutalizing him in the city jail.

"Pictures of Larry Milton and Mark Curtis as they looked after being brutalized are hung in the windows of the office — the windows the thugs' bullets shot through," they added.

Two television stations responded to a press release on the incident by coming to film the gunshot hole in the window. The *Des Moines Register* reported on the

showing.

Internal Affairs Sergeant Jim O'Donnell informed Lohmann that the case had been suspended. "It is closed unless you can give us the name of a suspect for us to investigate," he said. After Lohmann told him that this was the third attack in recent years, he agreed to resubmit it to the detective bureau to see if they want to reopen the file.

"We will press for action," bookstore manager Peha said. "And we will appeal to supporters of Pathfinder and democratic rights to protest this attack and to contribute to help repair the bookstore windows."

SOCIALIST WORKERS PARTY**2105 Forest Avenue • Des Moines, IA 50311****(515) 246-1695****FEB 27 1992**

February 21, 1992

Mayor John Dorrian
City Hall
Des Moines, Iowa

Dear Mayor Dorrian,

Last night between 8 and 9:15 p.m., the storefront windows of the offices of our organizations — the Socialist Workers Party and Young Socialist Alliance — were shot up. Two bullets hit the front windows, one scattering glass about the Pathfinder Bookstore at the front of our office.

As soon as we discovered the shooting, we called the police. The officer who came told us it was just "mischief."

As you know from our participation at City Council meetings and public hearings called by the City Council over the last two months, we are well-known participants in the effort to protest the police beating of Larry Milton and police brutality in general. Unionist and political activist Mark Curtis, whose defense committee rents space in our office, recently won an \$11,000 judgment against the Des Moines police for brutalizing him in the City Jail.

Pictures of Larry Milton and Mark Curtis as they looked after being brutalized are hung in the windows of our office — the windows the thugs bullets shot through.

Our bookstore has suffered violent attack twice before in the last four years. The police have done nothing.

We are writing you to press for a serious investigation that leads to the arrest and prosecution of the thugs responsible for this attack.

Sincerely,



Cleve Andrew Pulley
Socialist Workers Party



Sara Lobman
Young Socialist Alliance

Airman's Politics Prompt Air Force Investigation

By Jeff Gauger

World-Herald Staff Writer

Jason Coughlin is the slim son of white-collar parents who, he said, have no discernible political leanings.

At age 20, he asserted with considerable enthusiasm, he has found a political niche of his own: socialism.

But his employer is troubled. Airman Coughlin, of the United States Air Force, has been removed from his job as a computer programmer with the nuclear targeting staff at Offutt Air Force Base.

Now he's a clerk in the base housing office.

The Air Force told Coughlin last month that he is to be the subject of a security investigation because of his "alleged involvement with socialist organizations."

"I and other GIs should have the right to stay in and have any political ideas we want as citizen soldiers. We're still protected by the First Amendment," Coughlin said.

"If they think I'm alone, if I'm one GI with these political ideas and no one else knows about me, they'll be in a better position to harass, to drive me out of my political ideas."

The Air Force declined to discuss Coughlin's case. Maj. Barbara Carr, a Strategic Air Command spokeswoman at Offutt, said the case is an administrative matter and thus is subject to federal privacy laws.

But Coughlin talked at length about his case during an interview Thursday at the Pathfinder Bookstore, a sparsely furnished store at 140 S. 40th St. that is the site of weekly forums sponsored by the Socialist Workers Party and the Young Socialist Alliance.

A native of Colorado, Coughlin entered the service Aug. 1, 1990, after his graduation from Evergreen High School in Morrison, Colo.

"It seemed like a good move to make



I and other GIs should have the right to stay in and have any political ideas we want as citizen soldiers. We're still protected by the First Amendment.

Jason Coughlin
Airman

if I wanted a college education," he said. "Not only that, I was able to do a job I liked, computer programming." At the time, Coughlin said, he was

Please turn to Page 2, Col. 1

Air Force Questions Airman's Politics

Continued from Page 1

attended a forum at the Pathfinder Bookstore.

A week later he took steps to join the Young Socialist Alliance — becoming, he said, the second member in the Omaha area.

"For me, the start of my political awareness was when I met the YSA on the street in the Old Market," Coughlin said.

"They go to working-class neighborhoods around the city, and they sell books and have political conversations. That was really exciting, to actually have political conversations with working people.

"In the military, unions and what's going on in workplaces around the country seem kind of abstract. You kind of feel like you're kind of under their control, you're not part of any working-class struggle.

"But, you know, I began to realize that I and many other GIs were workers in uniform, and I could actually participate in working-class politics by having these political conversations."

Coughlin said he mentioned his new Socialist Newspaper

school, Coughlin was assigned in mid-December to the nuclear targeting staff at SAC's Offutt headquarters.

About a month later, the U.S.-led military force in the Middle East launched the air attack against Iraq. The war affected his thinking, he said, but he kept most thoughts to himself.

"I didn't protest the war," he said. "I had had petty conversations with other GIs, like, 'How many deaths have occurred so far?' but didn't really have any deep conversations about what the war implied or what it was about until long after the war was over."

In late May, nearly three months after the war had ended, Coughlin met two people who were distributing Socialist literature in downtown Omaha. Something about the encounter clicked, he said. The next night, he

attended a forum at the Pathfinder Bookstore.

A week later he took steps to join the Young Socialist Alliance — becoming, he said, the second member in the Omaha area.

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Coughlin said he mentioned his new Socialist Newspaper

"This action is being taken because of your alleged involvement with socialist organizations, contact with a foreign national and the perception of your questionable loyalty, honesty and reliability which exists in your previous work center," Jensen wrote.

"McCarthyite Claim"

Coughlin and his attorney, Mark Cohen of Omaha, fired back letters attacking the Air Force's plan.

Coughlin said he never tried to hide his connection to socialists so there's nothing "alleged" about it. The rest of the Air Force's case, he said, is "a McCarthyite claim" reminiscent of Sen. Joseph McCarthy's attempts in the 1950s to discredit people as communists based on little evidence.

Cohen said Coughlin is being harassed by certain people in the Air Force, not by the service itself.

"By taking away his security clearance, they are really taking away a lot of the reasons he wants to be in the Air Force," Cohen said.

Coughlin said he wants to stay in the Air Force and would like to return to being a computer programmer.

He is fighting the investigation with the help of a group of socialists and people active in the Omaha peace community. He has moved out of his on-base quarters and now lives at 123 N. 37th St.

"The view I've gained through the Young Socialist Alliance, the view of the working-class struggle around the world, is something I'm never turning away from," he said. "I'm ready to fight for gains for the working class against the ruling class."

Airman's Views Stir Offutt Security Issue

By Jeff Gauger

World-Herald Staff Writer

Airman Jason Coughlin, who was removed from a nuclear weapons targeting job at Offutt Air Force Base after expressing his devotion to socialism, has no constitutional right to a top-secret security clearance.

On that much Coughlin and those who view with more sympathy the Air Force's treatment of the 20-year-old airman can agree.

But on little else.

The Air Force isn't talking about his case. To outsiders, Coughlin is either a lone voice suffering harassment by an unbending institution for uttering constitutionally protected political opinions; or he is a potential security threat who, for now, must be kept away from sensitive national-security information.

"The Cold War is alive and well in Omaha," said Robert Rivkin, a San Francisco defense lawyer who specializes in military law. "Don't they remember

the enemy is no longer the socialists or communists but those slick liberal lawyers? ... We're the enemy."

Law Professor Richard Duncan wouldn't judge the merits of Coughlin's case. But he said Americans in uniform share with prisoners the distinction that their First Amendment rights to free speech and assembly can sometimes be limited for security's sake.

"When you're dealing with sensitive military and foreign policy sorts of issues, there is a national interest in having higher security," said Duncan, the Sherman Wepton law professor at the University of Nebraska-Lincoln's College of Law.

"There ought to be a wide margin of error for the military in these cases," Duncan said. "That may be justly more interference with First Amendment rights."

The Air Force suspended Coughlin's top secret security clearance July 1, his first day back at work after attending a convention of the Young Socialist Alliance in Chicago.

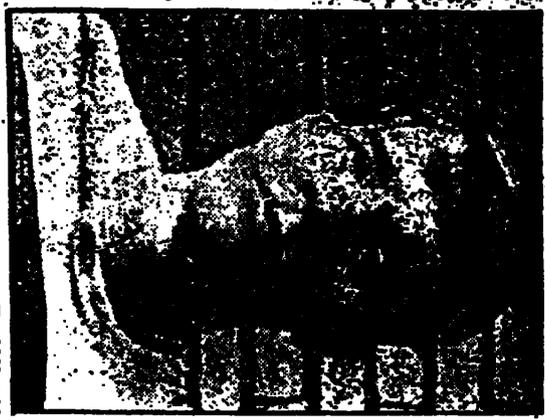
Coughlin was immediately assigned from a computer programmer's job with the nuclear engineering staff to the Offutt housing office, where he is a clerk.

Then last month, the Air Force took Coughlin's "alleged involvement with socialist organizations, contact with foreign national and the perception of your questionable loyalty, honesty, and reliability which exists in your previous work center."

"Coughlin said he didn't plan to file a lawsuit to reclaim his security clearance.

"I think it would be hopeless," he said. "There is no constitutional guarantee to a clearance."

"I would have to claim I was a conscientious objector. I was mentally incompetent. I was incompatible with the military — all things that aren't



Coughlin ... He said he doesn't want to leave the Air Force.

World-Herald

Airman's Views Stir Offutt Security Issue

Continued from Page 17

ture," he said. "Given that, I would elect to stay in."

The Air Force has declined to discuss Coughlin's case, saying it is an administrative action bound by privacy law. The service provided a copy of an Air Force regulation governing political activities by its members.

The regulation states that Air Force members may express personal opinions about candidates and issues but not as service representatives. They also can "join a political club and attend its meetings when not in uniform," the regulation says.

They may not "participate in partisan political management, campaigns or conventions."

Another regulation governs the issuance of security clearances. It says: "The standard which must be met for clearance or assignment to sensitive duties is that, the person's loyalty, reliability, and trustworthiness justifies, in the interest of national security, entrusting the person with classified information."

A special security file such as has been opened against Coughlin is meant to show that granting a clearance "may not be consistent with the requirements or interests of national security."

Among the justifications for starting a special security file, the regulation says, is "repeated statements of pro-communist, pro-terrorist, or anti-government nature."

Socialists assert that they do not embrace violence.

"We're not for the violent overthrow of the government. We're not for terrorism," said Joan Paltrner, an Omaha spokesman for the Socialist Workers Party.

This view was supported by a 1966 federal district court ruling in a case that the Socialist Workers Party and the Young Socialist Alliance brought against the FBI.

The judge in the case ruled that there was no evidence the two groups advocated violence or terrorism.

"The SWP will use the available devices, such as elections, to accomplish what it can towards spreading its theories and transforming society," U.S. District Judge Thomas Griesa wrote.

Griesa said, however, that the party's goal of totally transforming American society did place it directly at odds with mainstream America.

"The devotion to ultimate revolution does mean that the SWP has an ideology which is basically antithetical to the political system and democratic

processes of this country," he wrote.

The judge awarded \$294,000 to the socialists for FBI actions — including break-ins and the use of wiretaps and informants — during a 16-year period.

"You can't tamper with people's rights because they have different points of view," Ms. Paltrner said of Griesa's ruling. "We interpret that to cover everyone in the United States, including workers in uniform."

Coughlin's attorney, Mark Cohen of Omaha, said fighting the airman's case in court would be difficult.

"It's an uphill battle any time you go against the military," he said. "They bring out national defense as an argument, and the courts show tremendous deference."

Wayne Giampietro, a Chicago lawyer who specializes in First Amendment cases, said it's a well-established legal principle that an employer cannot retaliate against or punish employees because of their political views.

But Coughlin's case might be different, Giampietro said.

"The military's just a whole different ballgame," he said. "There's a military overlay on this whole thing that makes it a little different than if he were a schoolteacher or something like that."

Thursday, October 17, 1991 *

Omaha World-Herald

Editorial Page

Unsigned articles are the opinion of the World-Herald.

Air Force Shows Prudence

Airman Jason Coughlin should not be surprised about having lost his top secret security clearance while the Air Force looks into his associations with the Socialist Workers Party and the Young Socialist Alliance.

The Air Force has an obligation to be sure that anyone with access to sensitive information uses that information only as intended. Coughlin says the Air Force is persecuting him because he joined the Young Socialist Alliance and because he attended forums sponsored by the Socialist Workers Party.

The Socialist Workers promote a Trotsky-influenced collection of ideas based on Marx and Lenin. The party's goal is the "abolition of capitalism through the establishment of a workers and farmers republic." It embraces the Marxist concept of a dictatorship of the proletariat and predicts that the workers of America will eventually become the ruling class.

Some members of the party believe that an elite minority controls the American economy and that it should be forcibly suppressed. The party's 1988 platform called for an end to American opposition to communist revolutions in Central America. Party members have expressed sympathy for the aims of Cuba and its leader, Fidel Castro.

Coughlin has been removed from his job as a computer programmer with the nuclear targeting staff at Offutt Air Force Base. He now works as a clerk in the base housing office while the Air Force considers his status. He says that his free speech rights are being violated.

Considering, however, that Coughlin says he is "ready to fight for gains for the working class against the ruling class," the Air Force is only being prudent to take him away from the nuclear targeting computers while it considers his future.



THE JOINT STAFF
JOINT STRATEGIC TARGET PLANNING STAFF
OFFUTT AIR FORCE BASE, NEBRASKA 68113-8001

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JK

23 Sep 91

MEMORANDUM FOR AIRMAN JASON C. COUGHLIN, USAF, 524-65-9895

Subject: NOTIFICATION OF PROPOSED SECURITY ACTION

1. As you are aware, your access to classified information/unescorted entry into restricted areas was suspended on 1 July 1991. In accordance with AFR 205-32, Chapter 8, you are hereby notified that opening a Special Security File on you is being requested. This action is being taken because of your alleged involvement with socialist organizations, contact with a foreign national, and the perception of your questionable loyalty, honesty, and reliability which exists in your previous workcenter.
2. If you wish to provide a rebuttal to this determination, I must receive it not later than 72 hours after your receipt of this notification.
3. If you choose to reply, a written response to your submission will be made dealing with the points or questions you raise.
4. When all final actions in this case have been completed, I will evaluate the incidents and make a security recommendation. The Air Force Security Clearance Office will make the final security determination concerning your reinstatement of clearance eligibility.

FOR THE DIRECTOR

ALBERT D. JENSEN
Brigadier General, USAF
Deputy Director for Analysis,
Concepts, and Systems

1st Ind, (Airman Coughlin)

TO: Deputy Director for Analysis, Concepts, and Systems, JSTPS

Receipt acknowledged 24 SEP 91.

I do/do not intend to submit a written reply within 72 hours.

JASON C. COUGHLIN
Amn, USAF

September 27, 1991

General Albert D. Jensen:

In response to your notification of proposed security action, dated 23 Sep 91, I would like to reply to the points you made. I have always been completely above board and cooperative concerning my political views and affiliations, and will continue to do so. I do not believe that anything I have done merits a security investigation.

First, I would like to respond to the assertion of my "alleged involvement with socialist organizations." My involvement with socialist organizations is no secret, is legal, and within Air Force security regulations. It therefore requires no investigation.

Regarding my "contact with a foreign national:" Many Air Force members speak with citizens of other countries in the normal course of daily life, as do millions of other U.S. citizens every day. Surely this cannot be considered a crime. I have never denied that I have had discussions with people from many different countries. I have provided Air Force officials with all relevant information concerning such contact. These officials, in fact, admitted to me and my attorney that there was no need to make any written report in relation to this.

In regard to "perceived questionable loyalty, honesty, and reliability" in my previous workcenter: My political ideas have had no effect on the completion of my duties as a member of the armed forces. My relations with co-workers were very good, and I got excellent reviews from my supervisor (see attached Airman Performance Feedback Worksheet, dated 23 Jan 91). I worked hard at my job as a computer programmer, and had an excellent attendance record. In fact, I was in the process of completing a computer program which was begun at my initiative. I was allowed to work independently of supervision on this project. I made much progress in this work, which was noted by my supervisor and co-workers. I deny I was disloyal, dishonest, or unreliable.

I believe I have the constitutional right to hold any political views and be politically active out of uniform, when off duty, and on my own time. I deny that my ideas have interfered with my conduct as an airman. I have always carried out by duties to the best of my ability and will continue to do so.

JASON C. COUGHLIN
Ann, USAF
524-65-9895

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COHEN & DODGE

ATTORNEYS AT LAW

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IOWA (712) 323-0039

*ADMITTED IN NEBRASKA
AND COLORADO**ADMITTED IN NEBRASKA
AND IOWA

September 27, 1991

JSTPS / JK
Offutt AFB, NE 68113-5000
Attn: Brig. Gen. Jensen

RE: Amn. Jason C. Coughlin

Dear Brig. Gen. Jensen

We represent Amn. Jason Coughlin. On September 23, 1991, you notified Amn. Coughlin writing that a Special Security File was being opened on him. The purpose of this letter is to request that such a File not be opened.

Amn. Coughlin has already written an eloquent rebuttal letter and I will not repeat the points he made. The first basis given for this action is Jason's alleged involvement with socialist organizations. The term "socialists organizations" is not defined in any Air Force regulation; it could very easily be applied to the French government or a number of other entities. We feel the term is so broad that to use it as a basis for opening a Special Security File violates Jason's right to due process of law.

Jason readily admits being a member of the Young Socialist Alliance. He has been very open about this, but there is nothing illegal about it. In fact, in Socialist Workers Party v. Attorney General, the federal district court specifically found that the YSA advocates political change only within the framework of the U.S. Constitution.

The second basis given for the decision to open a Special Security File is Jason's contact with a foreign national. There is no Air Force regulation which prohibits contact with foreigners; there is a regulation which requires that certain contacts with foreigners be reported to the OSI, and Jason has complied with that requirement.

The final reason given for your decision is the perception of Jason's questionable loyalty, honesty and reliability which exists in his previous work center. Of course, Jason cannot control the perceptions of others. The fact is that he is loyal, honest and reliable, and his performance reports prove it.

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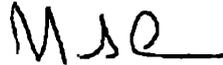
Page 2

I would also like to state in writing that at my request Jason asked for an extension of the 72 hour deadline to respond to your letter. This request was denied by his first sergeant. Similarly, I asked Jason if he could obtain a copy of AFR 205-32; he was told one would not be provided to me, though I was free to travel to the base and find it myself. That seems petty, and makes it difficult to represent Jason effectively.

While most Air Force members may disagree with Jason's political beliefs, he has a right to hold any set of beliefs so long as he does not advocate the overthrow of our government by force or violence. I would venture to say that Jason is far more appreciative of the rights contained in our Constitution than many active duty servicemembers.

Thank you for your attention to this matter. If you have any questions, please call.

Sincerely,



MARK S. COHEN

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THE JOINT STAFF
JOINT STRATEGIC TARGET PLANNING STAFF
OFFUTT AIR FORCE BASE, NEBRASKA 68113-8001

1st Ind, JSTPS/JK

4 Oct 91

TO: Commander, 55th Security Police Squadron/SPAI

Subject: NOTIFICATION OF PROPOSED SECURITY ACTION

1. The opening of a Special Security File (SSF) on Airman Coughlin is an administrative action and not a legal action. There has never been any suggestion that Airman Coughlin has done anything that requires action under the Uniform Code of Military Justice. Airman Coughlin's competence as a programmer has never been questioned, and his relationship with the other people in his former office does not have a direct bearing on the opening of a Special Security File.

3. The central issue that needs to be resolved is whether or not Airman Coughlin knew that he was required to file a contact report with the Air Force Office of Special Investigations (AFOSI), and whether or not Airman Coughlin filed that report of his own volition.

a. Airman Coughlin was briefed on the provisions of AFR 205-32 during his basic and technical training.

b. Airman Coughlin was again briefed on AFR 205-32 on 5 June 1991, specifically that failure to follow the provisions of AFR 205-32 could jeopardize his security clearance.

4. It is my understanding that on 1 July 1991, Airman Coughlin returned from leave in Chicago, where he had contact with a foreign national covered under the provisions of AFR 205-32; and that Airman Coughlin did not file the required contact report of his own volition. Airman Coughlin's failure to file a timely contact report with the local AFOSI has resulted in questions of loyalty and reliability. I have determined to go forward with the SSF process to resolve all doubts about Airman Coughlin's security clearance eligibility.

FOR THE DIRECTOR

Handwritten signature of Albert D. Jensen in black ink.

ALBERT D. JENSEN
Brigadier General, USAF
Deputy Director for Analysis,
Concepts, and Systems

Copy to:
Airman Coughlin

DECLARATION

I, Jerry Freiwirth, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On the morning of August 6, I and another campaign volunteer were circulating nomination petitions for Willie Mae Reid, the Socialist Workers candidate for Mayor of Houston. We were located at the corner of Main and McKinney streets in downtown Houston. A small card table displaying campaign literature was set up well back from the corner. This was similar to the campaign tables set up by supporters of the Socialist Workers campaigns in downtown Houston in many previous election years.

2. After about a hour, a Houston police officer, D.G. Duggin, pulled over his patrol car, turned on his flashing lights, and informed me that my actions were "illegal."

3. I replied that I was gathering signatures to place a candidate for mayor on the ballot, that the table featured campaign materials, and that distribution of these materials was an exercise of protected free speech. I further suggested that Officer Duggin check with his department, but that if so ordered, I would dismantle the campaign table at once.

4. Officer Duggin replied that the socialist campaign table represented commercial, not political, activity, and as such was only legal if a commercial permit was first obtained.

5. Shortly thereafter, a Houston Police sergeant drove up in a police patrol car. The two officers conferred and Officer Duggin issued me a summons. The two charges listed on the summon were "distribution of commercial handbills," and "blocking city sidewalk w/table."

6. The two handbills in question were the following: a half-page flyer encouraging signatures on the petition for mayor and an announcement of an upcoming Militant Labor Forum on the topic of the Gulf War to be held at the Socialist Workers campaign headquarters.

7. The campaign table was not impeding foot traffic nor was it blocking any commercial establishment. That portion of Main Street contains only a parking lot on the side where the table was located.

Exhibit #52

8. Socialist Workers mayoral candidate Willie Mae Reid sent then Police Chief Elizabeth Watson a letter two weeks previous to this incident. In the letter, Ms. Reid informed the police chief that volunteers from Reid's campaign would be petitioning on the streets of Houston and asking the department's cooperation.

9. The services of council, Ms Beatrice Mladenka-Fowler, were obtained through the offices of the American Civil Liberties Union. I appeared at the initial hearing before the Houston Municipal Court on September 4, 1996. At that time the charge of "blocking city sidewalk w/table" was dismissed.

10. On October 8, I received notification from Ronald J. Beylotte, Chief Prosecutor, Municipal Courts, that the charge of "distribution of commercial handbills" was dismissed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 18, 1996.


Jerry Freiwirth

December 5, 1996
Date

MUNICIPAL COURTS
1400 LUBBOCK
HOUSTON, TEXAS 77002

DEFENDANT: FRIEWIRTH JERRALD

CASE NUMBER: 01928988- -

JUDGE: JOSEFINA M RENDON

DATE: 09/04/91

COURT DATE: SEPTEMBER 4TH 1991 TIME: 10:00 AM

COURT NO. 5

PLEA: NOT GUILTY

BOND:

FINDING: DISMISSED

JUDGEMENT/FINE:

CASE DISPOSITION: DISMISSED -S/O PROSECUTOR

COURT COSTS:

FEES:

TOTAL:

TIME SERVED:

INITIAL PAYMENT:

DUE: 0.00



CITY OF HOUSTON

Post Office Box 1562 Houston, Texas 77251-1562

Kathryn J. Whitmire, Mayor

354

CITY COUNCIL MEMBERS: Larry McKaskle Ernest McGowen, Sr. Vince Ryan Alfred J. Calloway Frank O. Mancuso John G. Goodner Christin Hartung
Dale M. Gorczynski Ben T. Reyes Beverly Clark Eleanor Tinley Jim Greenwood Sheila Jackson Lee Judson Robinson, Jr. CITY CONTROLLER: George Greer

Oct. 8, 1991

Jerrald Freiwirth
4714 Clay
Houston, Texas 77023

Re: State vs. Jerrald Freiwirth
Handbill Distribution
Cause # 01928987
Court #2, Jan. 22, 1992, 8:00 a.m.

Dear Mr. Freiwirth:

The above charge filed against you has been dismissed. You may disregard the citation. You are not required to appear in court on the above date.

Sincerely

Ronald J. Beylotta
Chief Prosecutor
Municipal Courts

RJB.LT80

BEATRICE MLADENKA-FOWLER
Attorney and Counsellor

NOV 18 1996

355

P.O. Box 7365
Houston, Texas 77248-7365

Telephone: (713) 862-7349

1529 Heights Boulevard
Houston, Texas 77008-4218

Facsimile: (713) 862-2979

November 22, 1991

Mr. Jerry Freiwirth
4717 Clay
Houston, Texas 77023

RE: Cause # 01928988 - "blocking sidewalk" charge

Dear Jerry:

Thank you for sending the letter. I have looked at the documents you gave me initially, and the above charge is the one which was dismissed at your initial plea of "not guilty." Thus, you will not be receiving any further communication from the prosecutor.

Let me hear from you if there are any further problems.

Very truly yours,


BEATRICE MLADENKA-FOWLER

bmf/ms

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REITMAN, PARSONNET & DUGGAN

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SUITE 1807
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GEORGE DUGGAN
WILLIAM H. COVERT
JESSE H. STRAUSS
BENNET D. ZUROFSKY
TARA LEVY *
WILLIAM J. VOLONTE
JOSEPH S. FINE †

THOMAS L. PARSONNET (1923-1977)

SOL D. KAPELSOHN, OF COUNSEL

TELECOPIER (201) 642-0946

VINCENT E. BEVACQUA

* ARKANSAS AND MISSOURI BARS ALSO
† NEW YORK BAR ALSO

OUR FILE:

September 7, 1991

Glenn A. Grant, Esq.
Corporation Counsel
City of Newark
City Hall
Newark, New Jersey 07102

Dear Mr. Grant,

On behalf of the American Civil Liberties Union of New Jersey, I am constrained to advise you of a shocking incident that occurred on Saturday, August 26, 1991.

On that date, supporters of a political campaign, the Socialist Workers 1991 Campaign, on behalf of the Socialist Workers Party, set-up a literature table outside of their campaign headquarters at 141 Halsey Street in Newark. This is also the site of the Pathfinder Bookstore and the office of the Young Socialist Alliance. The facilities are located on the second floor of 141 Halsey Street, and a stair case leads up from the street to the offices.

On the table were political books and pamphlets. In addition, campaign supporters were selling copies of the Militant, a political newspaper that endorses and promotes the candidates of the Socialist Workers Party.

At approximately 1:30 p.m., a police officer on horseback rode up to the person staffing the literature table and asked, "What kind of books are those? Are you communists?" He then told them that he thought that "communism was finished."

Exhibit 53

While the officer was asking these questions, and making these statements, his horse was blocking access to the literature table book store. A campaign supporter working inside of the building came out and asked the officer to move because his horse and he were blocking access to the literature table and to the book store. The officer then asked him, "Where do you live?" and "What does your father do?"

Several minutes later, the same police officer returned, accompanied by another officer who was also on horseback. They began to shout at and argue with the campaign supporters. At this time, they called over a third police officer, who was nearby on foot.

For more than half an hour, these officers and their horses blocked access to the campaign headquarters. During this time, the police officers attempted to persuade passers-by on the street to harass the campaign supporters. For example, the foot patrol officer said, among other things, "If we got a crowd around and could show people what these people really stand for, I bet that table would be turned over." One of the mounted officers said "Do you think Commander [his horse], could make it up those stairs?"

These threats and attempts at intimidation continued. The campaign workers were forced to take down their table and halt their expressive activities. After this, the three police officers continued to stand in the entrance of the campaign headquarters for approximately twenty minutes, before moving away.

This behavior clearly contravenes the First Amendment to the United States Constitution and Article I, paras. 6 and 18 of the New Jersey Constitution.

Any attempt at suppressing speech because of its content patently violates both the federal and state constitutions. It is axiomatic that

"[o]ur law does not prohibit the public expression of unpopular views. It is lawful to advocate, for instance, the establishment of a dictatorship in America, or a soviet form of government, or a hereditary monarchy, or the abolition of religious freedom, or other changes in our political, economic or social system, no matter how unwise or how shocking. If lawless elements in the community, instead of ignoring such propoganda, or meeting it by sound argument, resort to riot, it is the duty of police to

protect the lawful assemblage and to repress those who unlawfully attack it."

American League of the Friends of the New Germany v. Eastmead, 116 N.J. Eq. 487, 488 (Ch. 1934).

In our country, "[o]rdinarily, speech restrictions will withstand constitutional scrutiny only if they are limited to prohibiting speech which creates a 'clear and present danger' of threatening some substantial governmental interest unrelated to the suppression of expression." In re Hinds, 90 N.J. 604, 618 (1982).

The City of Newark is strongly urged to refrain from any further conduct that violates the free speech protections of the federal and state constitutions. Please kindly telephone me to discuss this situation.

Thank you.

Very truly yours,

William J. Volonte

cc: Deborah A. Ellis, Esq.,
American Civil Liberties Union of New Jersey
Socialist Workers 1991 Campaign Committee

Socialist candidates in Newark protest cop threats

BY CINDY JAQUITH

NEWARK — The Socialist Workers Party candidates for state office in New Jersey are protesting a police provocation against supporters at a campaign table set up in downtown Newark.

On August 26, supporters set up their regular Saturday literature table on the sidewalk outside the campaign offices. The table offered the *Militant* newspaper, which carried an article on the candidates' denunciation of recent police brutality in northern New Jersey and featured the fight against the ultrarightist assault on abortion rights in Wichita, Kansas. Also on the table were books and pamphlets by Malcolm X, Nelson Mandela, and Fidel Castro, and buttons opposing police violence.

At 1:30 p.m., a cop on horseback approached the table and asked, "What kind of books are those? Are you communists?" As he sought to start a debate, a campaign supporter asked him to move since his horse was blocking access to the literature table and the campaign headquarters entrance.

Several minutes later the same cop returned with another officer on horseback. They were soon joined by a third cop on foot. For more than half an hour the three stayed there, seeking to intimidate passersby from approaching the literature table or entering the headquarters, despite the repeated objections of campaign workers.

One cop provocatively suggested, "If we got a crowd around and could show people what these people really stand for, I bet that table would be turned over." He also asked if the socialists had a permit for the table.

One of the mounted cops asked, "Do you think Commander [his horse] could make it up those stairs?" He was referring to the stairway leading to the campaign offices, which are located on the second floor.

With the police threats escalating, the campaign workers took down the table.

The socialists' attorney, Bill Volonte of the American Civil Liberties Union, stated that the cops' behavior amounted to "threatening mob action" against a legal election campaign. The socialists collected more than 1,000 signatures on nominating petitions to appear on the November ballot. They are running for seats in the State Senate and State Assembly.

A campaign statement was released by SWP candidates Rachel Knapik, a pharmaceutical worker and member of the Oil, Chemical and Atomic Workers union; Karen Kopperud, a rail worker and United Transportation Union member; and Jason Redrup, chairperson of the Newark Young Socialist Alliance.

They pointed out that the cops' action "is a blatant violation of the Bill of Rights guarantee of free speech and a threat to the right of all working people who seek to present their views to the public — from trade unionists on picket lines, to activists defending access to abortion clinics, to protesters against police brutality."

The candidates declared, "We will not be intimidated. We will continue to actively campaign in Newark, including in the downtown area. We will not accept this attempt to deny working people and youth the right to read the *Militant*, to study the speeches of Malcolm X and Nelson Mandela, to learn about the Cuban revolution. We will continue to campaign against police brutality — from Los Angeles to Newark — just as we will speak out for a countermobilization to answer ultrarightist assaults like those in Wichita."

The candidates urged all supporters of democratic rights to lodge protests with Newark Mayor Sharpe James, City Hall, Newark, New Jersey, urging him to instruct the Newark police "to immediately cease and desist from this harassment." Copies should be sent to the Socialist Workers 1991 Campaign, 141 Halsey St., Second Floor, Newark, New Jersey 07102.

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OUR FILE:

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TARA LEVY *
WILLIAM J. VOLONTE
JOSEPH S. FINE †

VINCENT E. BEVACOUA

* ARKANSAS AND MISSOURI BARS ALSO
† NEW YORK BAR ALSO

September 7, 1991

Socialist Workers 1991 Campaign Committee
141 Halsey Street
Newark, New Jersey 07102

To whom it may concern:

You have asked for an opinion as to whether your organization has the legal right to set up a table in front of your campaign headquarters, at 141 Halsey Street, Newark, New Jersey, to distribute campaign materials as well as to distribute and sell political books, pamphlets, and other materials. In my opinion, your organization has this right. In addition, in my opinion, the committee has the right to set up a table on any city sidewalk to engage in this activity. Obviously, there can be no substantial interference with the free flow of pedestrian traffic.

These activities are clearly protected by the First Amendment of the United States Constitution, and Article I, paras. 6 and 18 of the New Jersey Constitution.

Any attempt at suppressing speech because of its content patently violates both the federal and state constitutions. It is axiomatic that

"[o]ur law does not prohibit the public expression of unpopular views. It is lawful to advocate, for instance, the establishment of a dictatorship in America, or a soviet form of government, or a hereditary monarchy, or the abolition of religious freedom, or other changes in our



political, economic or social system, no matter how unwise or how shocking. If lawless elements in the community, instead of ignoring such propoganda, or meeting it by sound argument, resort to riot, it is the duty of police to protect the lawful assemblage and to repress those who unlawfully attack it."

American League of the Friends of the New Germany v. Eastmead, 116 N.J. Eq. 487, 488 (Ch. 1934).

In our country, "[o]rdinarily, speech restrictions will withstand constitutional scrutiny only if they are limited to prohibiting speech which creates a 'clear and present danger' of threatening some substantial governmental interest unrelated to the suppression of expression." In re Hinds, 90 N.J. 604, 618 (1982).

In jurisdictions that have addressed this issue, the courts have consistently held that people have the right to use a table to disseminate political ideas. In People v. Strauss, 48 Misc.2d 1006, 266 N.Y.S.2d 431, 432 (N.Y. Crim. Ct. 1965), the court held that an activist had the right to set-up a four-foot by four-foot literature table on the streets of New York City.

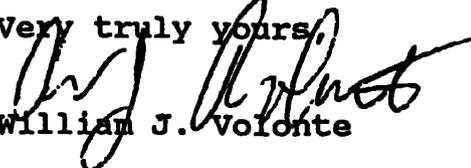
In addition, in Welton v. City of Los Angeles, 18 Cal.3d 497, 134 Cal. Rptr. 668, 556 P.2d 1119, 1125 (1976), the California Supreme Court held people have a right to sell any type of printed material, even a map depicting the locations of Hollywood movie stars, on the streets of Los Angeles. See also, Moscovitz v. Cullman, 432 F. Supp. 1263, 1265 (D.N.J. 1977) (political candidate permitted to pass out leaflets, as well as set-up literature table, at PATH station in Jersey City).

Furthermore, this issue has been litigated before in Essex County. In 1988, a political activist was charged with having a table out, in violation of the City of Newark's peddling ordinance. Although she was convicted in the Municipal Court, the Hon. Mahlon L. Fast, Judge of the Superior Court of New Jersey, sitting in Essex County, reversed the conviction because the government had failed to introduce any factors that could justify this suppression of free speech.

Although the New Jersey courts have not squarely decided this issue in a reported decision, given the fact that our state courts will uphold rights even on private property, see State v. Schmid, 84 N.J. 535 (1980), appeal dismissed sub nom Princeton University v. Schmid, 455 U.S. 100, 102 S.Ct. 867, 70 L.Ed.2d

855 (1982), in my opinion, the state and federal judiciary of New Jersey will uphold the rights of the committee to engage in the above-mentioned expressive activity.

Very truly yours,


William J. Volonte

STATEMENT BY

ROBERT BRUNEAU, CANDIDATE FOR SEATTLE CITY COUNCIL

On July 6 of this year I was collecting signatures along with supporters of the Socialist Workers 1991 campaign to place Stuart Crome and Kathleen Wheeler on the ballot for Seattle City Council elections this fall. We were collecting these signatures at the QFC food market on Broadway in Seattle.

Shortly after beginning our efforts I was approached by an individual who called himself Mario who immediately began to harass and physically threaten us. He objected to socialists collecting signatures and repeated several anti-communist statements along with threats.

He continued for several minutes and before leaving stated that he had many friends in the neighborhood and he would be back with them. He also stated that if he ever saw us again he would have us arrested. This whole incident, which was very loud, was witnessed by many people entering and leaving the QFC. It certainly had a chilling effect on our petitioning efforts.

On July 9, at the same location, while again gathering signatures I was approached by the Seattle city police. An officer informed me that a phone call had been made to the police claiming that we were harassing people in the street. I explained to the officer that this was not the case, that we were simply gathering signatures as required by city election laws. As we were speaking this same Mario approached us in an agitated state demanding in a loud voice that the police arrest us. Using a lot of profanity, he repeated the anti-communist statements he had made two days earlier.

The incident ended when it became quite clear that Mario was the one who had phoned in the complaint to the police and that we were clearly engaged in lawful activity. Again, several people witnessed this second incident.

Robert Bruneau

Robert Bruneau

8/12/91

Exhib. ts 54 and 55

DECLARATION

I, Jane Roland, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On June 9, 1991 a threatening phone call was received at the location which serves as the offices of the Socialist Workers Party.

2. At about 7 p.m. the phone rang and I answered it. A man's voice said something like, "This is the Ku Klux Klan. We're gonna come and get you". I immediately hung up the phone.

3. This incident was reported to the Greensboro Police Department.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 1996.



Jane Roland

Date 11/16/96

Exhibit 57

DECLARATION

I, Robert Paul Dees, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of personal knowledge:

1. On 26 May 1991, I entered the headquarters of the Socialist Workers Party and Young Socialist Alliance in Greensboro, North Carolina right after another volunteer. This friend showed me stickers he had found on each of the two entrances to the headquarters. One read "Nigger go home." The other read "You have been paid a social visit by the Knights of the Ku Klux Klan. Don't make the next visit a business call." The sticker included a graphic of a robed Klansman mounted on a horse carrying a flaming torch.
2. On 2 June 1991, I answered the telephone at the SWP headquarters. After asking "Do you have the Manifesto of Karl Marx and Frederick Engels," the caller said, "This is the Ku Klux Klan. We'd like to get a couple of them and a couple of you too." The caller then hung up, and I immediately transcribed the conversation.
3. The Ku Klux Klan held a regional conference in Greensboro during this time period, so a larger number than usual of them were in town.
4. Twelve years earlier, five union and political activists had been murdered in broad daylight in Greensboro by avowed Klan members. Several weeks before the incident at the headquarters, a federal judge had been assassinated in the South by a mail-bomb. Suspicion in the newspapers fell on right-wing terrorists.
5. Both incidents were reported to the Greensboro Police department and reports were filed by officers who came out to investigate.
6. On 2 August 1991, FBI agent Linda Maberry of the Greensboro office contacted me and said the FBI was opening its own investigation and wanted to pursue the case. Together with my lawyer, I met with Agent Maberry and answered questions on these incidents.
7. To my knowledge no one was ever arrested in either incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 3 December 1996.

ROBERT PAUL DEES
Robert Paul Dees

Date 3 DEC 96

Exhibit 58 and 60

DECLARATION

I, John C. Hawkins, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Sometime between the hours of 11:00 PM, Saturday, June 14, 1991 and 8:30 AM, Sunday, June 15, 1991 swastikas and the slogan "White Power" were spray painted on the building at 111 21st Street South that houses the offices of the Socialist Workers Party and Young Socialist Alliance. I personally saw the graffiti when I arrived at the building Sunday morning, June 15, 1991.

2. At the time I was the Socialist Workers Party candidate for Mayor of Birmingham in the 1991 elections. The location of the campaign headquarters had been broadly advertised in campaign flyers and other material

3. Moreover, the Socialist Workers Party, Young Socialist Alliance, and other supporters of my campaign were centrally involved in helping to organize demonstrations and other activities against the racist propaganda and actions of local skinheads.

4. While Birmingham Mayor Richard Arrington decried the act of vandalism and promised a police investigation, no perpetrator was found and no one was prosecuted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 1996.


John C. Hawkins
Date 11/15/96

Exhibit 59

Claims stun Green Pond community mystified by possible racial attack

or model homes because of the recession," she said.

Both Green and Mrs. Nelson expressed concern over the incident last Friday that resulted in Fairfield police officers Frank Berber and his family moving out of their new home less than 24 hours after moving in.

Berber told the Mobile County Sheriff's Department that several white men attempted to intimidate him at a nearby place, then showed up in his yard and in the woods around his house. He said he exchanged gunfire with them.

"This has really hurt the community," Mrs. Nelson said. "I was scared in this area, and people around here have always been good neighbors."

Green estimated that there are about 30 black families among the 1,200 units in the development. He said he cannot see any of them ever being in a shared or harassed.

Some people just don't believe it happened, he said. "He wasn't here long enough for them to know he was here. Now, if he had been here three or four days, none of these young people might have gotten figured up and bothered somebody."

"If it was 50 years ago, if they didn't want a man to move in, they'd poison his dog, tear down his mailbox and put tar on the road, but I can't understand it happening now, if, indeed, it happened."

Mobile County Sheriff Bob Rinkhart said he has heard doubts from residents who don't believe such a thing could happen in their community.

"I'm getting folks that don't think it happened and folks that do think it happened. About all I can say now is that we're still investigating it," said Rinkhart, adding that the FBI is also conducting its own investigation into possible civil rights violations in the incident.

Green estimated that most of the growth in the Green Pond area is coming from Jefferson County. "I'd say about 90 percent of them are from Jefferson County. They want out of the city and away from their taxes," he said.

Mrs. Nelson said she is also getting people who live in Jacksonville and work in Birmingham looking at Green Pond as a halfway point. She is also showing houses to people from Shelby County because of the high cost of homes there.



FOR FILE: Chris Hodge looks after a group of children in a mobile food bank. The parents of the children have been using the food in the General Assembly of the Presbyterian Church of America (PCA), which is meeting at Birmingham Presbyterian Church, Page 10.

Madega faces lawsuit over white school chief

The lawsuit alleges the search was made naturally at the destruction of the white board members and that no Alabama was included as a protest to exclude Lawrence.

Patterson and board member Ray Miller asked that Lawrence be added as a finalist but were outvoted. Lawrence asked for a chance to interview, but was denied.

Edgar, former of Toledo Ohio was later hired. Barry is to take over Monday.

When Patterson's term expired in April, he was not reappointed. Some board members said it was because of his actions during the superintendent selection process.

Insider tells of role in drug family

A Birmingham man was the ring leader of a cocaine empire that netted millions in cash and ran uncheked for several years, a witness testified in Birmingham federal court Tuesday.

LaPugh Rutledge headed a drug operation that started in an area from Birmingham to Louisville by Los Angeles to Miami, said the former lieutenant, Miami's Herald.

"He gave me orders. I did what I was told and I got what I wanted," said Heard.

Heard was testifying in the second day of a narcotics conspiracy trial. Twelve people face charges ranging from money laundering to operating a network of criminal enterprise.

Most defendants are from Birmingham but some are from Louisville although all are in court.

Defense attorneys tried to discredit Heard currently serving a 15 year sentence for trafficking cocaine by questioning a deal cut with federal authorities that promises to reduce his sentence in exchange for testimony.

He also was not charged in the Birmingham conspiracy in which he could have received a life sentence if convicted. Heard's mother died when he was two years old, and he was kicked out of his aunt's house for stealing and met Rutledge who became his benefactor when he was about 15 years old.

Rutledge was later shot, Heard said.

"It was like a father-son relationship," Heard said. "He gave me my first car — a Toyota. I would stay with him basically."

Rutledge's relatives wanted to testify against Heard, adding he started his career peddling marijuana and cocaine for Rutledge shortly after they met.

Heard testified he bought cocaine in Los Angeles for Rutledge, which he gave to female models who carried the drugs back to Birmingham.

Heard generally bought several kilos to be transported but he once bought 20 kilos (40 pounds) that was divided with another dealer, he said.

Rutledge also supplied his Louisville connections with cocaine and traveled to Miami to buy cocaine, Heard said. But Rutledge preferred California suppliers because they were cheaper, he testified. One B-

NEWSBRIEFS

STATE

Trusty flees Limestone prison
CAPSHAW — Limestone Correctional Facility's best trusty proved to be less than trustworthy Thursday.
 Prison officials said Leonard May Payne, 31, serving a 15 year manslaughter sentence from Madison County, ditched a prison van and fled while on an errand to pick up parts for the prison garage in Governor Deputy Warden William Sticker said Payne was the only one of 1,200 inmates allowed to leave the prison unescorted. He said the escape was the first successful flight from the prison in 10 months.
 "He'd been allowed to take the van and go run errands for the garage," Sticker said. Other officials said Payne had been offered weekend passes from the prison.
 Robert Dunsmuir

Elderly Jacksonville man missing
JACKSONVILLE — Police continued their search of the Ocala River near that here after they found a pickup truck belonging to an elderly Jacksonville man missing since Thursday.
 He was supposed to play golf, said Jimmy Snyder, Jacksonville police communications area officer. "Every thing points to that."
 A volunteer spotted the abandoned truck belonging to Raymond D. May 75. May's family reported him missing late Thursday.
 Rose Titus

Squall sinks Alabama shrimp boat
DAUPHIN ISLAND (AP) — A violent hail storm squall sank one shrimp boat and sent another aground during the opening of Alabama's shrimping season, but Coast Guard officials reported no serious injuries.
 Coast Guard Lt. H. DeLoach said the squall struck in the Mississippi Sound off the Baldwin County coastline as the 104 300 shrimping vessels were departing Tuesday.

Mobile schools go on four-day week
MOBILE (AP) — Administrators of the Mobile County school district went on a four-day, 10 hour work schedule this week that will last through Aug. 15 because of budget cutbacks.
 The work schedule changes began Monday and also require the 3,100 students enrolled in summer school to attend classes on a four-day week, six hours a day.

METRO

Anthony protests BHA's rally policy
 Birmingham Housing Authority officials reminded the staff this month that its community centers may not be used for political purposes including debates or rallies.
 This policy has the Rev. Anthony campaigning for Charles Howard, campaign manager for Municipal Judge Anthony in his race for mayor of Birmingham, said people in the housing commission war: the chance to hear debate between Anthony and Mayor Richard Arrington. Anthony said residents — who comprise nearly 10 percent of Birmingham's population — had asked the candidates to come talk.
 Anthony plans to hold a press conference at 11 a.m. Thursday at the Tuscaloosa Court Community Center, in the street if necessary, to counter the Housing Authority stance.
 Faye White, director of social services for the Housing Authority, said the policy against using the community centers for political purposes was in place before she took her position three years ago. She said she did not know when or why the board began that policy.
 Jerome Hyatt, executive director of the Authority, and Len Williams, deputy director of the Authority, were out of town Thursday and board Chairman Norm Davis was on vacation. Attempts to reach all three were unsuccessful.
 He said said enforcing the policy against political meetings at the centers was itself a political act.
 Jeff H. Hansen

Boy critical after YMCA pool mishap
 A 7-year-old boy was listed in critical condition Thursday at Children's Hospital after a 1:30 p.m. pool accident at the Fourth Avenue YMCA Tuesday.
 A spokesman for the hospital said Timothy Stephen Collins Jr. is staying in the Pediatric Intensive Care unit.
 No details were revealed about the accident.

Pine Tree opens doors to non-Jews
 The previously all-Jewish Pine Tree Country Club has opened its doors to non-Jews and accepted its first black member.
 Birmingham lawyer J. Mason Davis was selected as the club's first black member and is one of 11 non-Jewish members accepted in the last 45 days. Club President Jerry Silar said the club's constitution does not discriminate on race, religion or national origin, but the club has traditionally had only Jewish members.
 "We've really practiced, in effect, a Jewish country club. We decided earlier this year to relax our membership practices and accept non-Jewish members," Silar said.
 "Birmingham is becoming more diverse in nature, and our members just felt it was the moral and right thing to do," he said.
 Last summer, Shal Check in Shelby County was pressured to accept a black member or face protests during the 1990 Professional Golfers Association Championship. Silar said Pine Tree members, without any outside pressure, decided to allow non-Jewish members.
 Silar said the club has accepted 31 members — 20 Jewish and 11 non-Jewish — in the last 45 days. The club has about 375 members, he said.
 Davis, 55, is a senior partner with the Stone and Perrett law firm, a board member of the Birmingham Airport Authority and past president of the Birmingham Bar Association.
 Joe Anderson

UAH might try launch again in fall

ROCKEFELLER — The University of Alabama in Huntsville may try again as early as this fall to launch a package of commercial satellite experiments but Tuesday over Cape Canaveral Fla.

A capsule containing the experiments was scheduled for launch by the Air Force division of a UAH-owned Pioneer rocket shortly after it was launched when something fell from the rocket's motor and it began wobbling off course.

Rocket specialists at Cape Canaveral said Tuesday the new Pioneer rocket, which was making its first flight, may not be ready for another launch attempt for at least a year.

"We'd like to fly again as soon as we can but we're obviously not going to try anything until we can determine exactly what happened Tuesday morning," UAH spokesman Dick Gould said from Florida.

The UAH Campaign for Material Processing in Space was launching the Pioneer rocket toward a 400-mile-high orbit to spare for gain 15 minutes of a night's darkness for the capsule's package of 10 experiments.

The rocket was destroyed 25 seconds into the mission. Observers say they saw the experiment-packed capsule fall away before the rocket was destroyed, but UAH spokesman Philip Gentry said only pieces of the nose cone were found Tuesday afternoon in the Atlantic Ocean.

Gentry said the UAH investment, which received about \$2.5 million from NASA for Tuesday's mission, could try the Pioneer mission again this fall if an investigating team can determine what went wrong.

Orbital Sciences Corp. of Chandler, Ariz., supplied the rocket and turned an investigating team immediately. Members of the team will include representatives from Thiokol's solid fuel rocket motor plant at Redstone Arsenal, in Huntsville. Company spokeswoman Wendy Diamond said the motor used in the Pioneer rocket has been flown successfully in 163 earlier Delta rocket launches.

"We're going to be looking very carefully at our copy of the videotape of the launch," Ms. Diamond said.

Rock off Ft.
 A large rock was seen falling from a plane at the Rockwell International Airport in Huntsville, Ala., Tuesday.

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OFFICE HOURS: 8 AM - 4 PM

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FOR BEST SERVICE

INDEX

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lawyer, HEARD SAID ... through three Birmingham ... to finance with cocaine deal- ... Heard said. ... Defense attorneys poked holes in ... Heard's six-hour testimony by show- ... ing inconsistencies in his accusations ... about what he did what in the drug con- ... spiracy.

A 21-year-old Bessemer man was found dead Monday after he apparently was electrocuted while working on his car in the rain. James Darwin Cargile of Weaver Trailer Park was found lying on a wet plastic sheet under his 1976 Buick, with tools and car parts scattered around him, according to a Jefferson County Sheriff's Department report. A co-worker who came to pick up Cargile for work reported feeling a "tinge" of electricity when he checked Cargile for a pulse, the report said. The feeling went away when he passed a droplight power cord that was resting against the car's bumper, the report said. Cargile had approached a neighbor Sunday night asking to borrow a droplight so he could remove his car's gasoline tank, the report said. The neighbor said it was raining, and he urged Cargile not to work on his car during the storm, according to the report.

Jon Robinson

pts convicted woman to seek retrial

Michael Hunter to death ... of Hunter instead. ... even County Circuit Judge ...

Testimony in the trial was that Hunter was killed between 1 and 2:30 a.m. Sept. 15 in Pratt City. It was near there that Page saw Hogeland, whom he was acquainted with, Mathis said.

In an affidavit, Page said he saw Hogeland in his pickup truck, which had run off the road in a ditch. He and a friend were helping to pull Hogeland's truck out of the ditch. He said it was then he saw the bloody rag and sack.

Page said that after he saw newspaper accounts of the trial, "it made me sure the incident on the side of the road was important."

Prosecutor Loren Petro said she "definitely" plans to talk to Page about his story, but she is still certain Mr. Cank killed Hunter. Evidence points to another person being involved in the stabbing, and she wants "to see if there is a white woman in Haydon, Mo. Cank is white while Hunter was black, and they were involved in a relationship, according to testimony."

Hogeland didn't like the relationship, Mathis told the jury.

Socialists blame vandalism on racists

Vandalism at the Pathfinder Books store was an act of intimidation said John Ho White, a spokesman for the Socialist Workers Party. "It was an attempt on the part of the racist forces to and around the city such as the Ku Klux Klan, the Nazis and Skinheads to exercise political intimidation on those who are fighting for social progress such as socialists, trade unionists, fighters for civil and women's rights and defenders of democratic rights," he said. "We're just sending a message loud and clear that we are not going to be intimidated by this." Racist graffiti including swastikas and "white power" were found spray painted on the door, windows and the side of the 111 21st St. South building that houses the bookstore and the Young Socialist Alliance and is also the headquarters for the Socialist Workers Party. Ho White, who is running for mayor of Birmingham, said the party is calling on the city administration to make sure the police department does "all in its power to apprehend those that committed this and to make sure that this or an even greater incident doesn't happen again."

Victoria L. Coyne

Legal notices and advertisements. Includes a large 'Legal' header and several columns of text.

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"Birmingham is becoming more diverse in nature, and our members just felt it was the moral and right thing to do," he said.

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Davis, 55, is a senior partner with the Sirote and Permutt law firm, a board member of the Birmingham Airport Authority and past president of the Birmingham Bar Association.

Jon Anderson

Man electrocuted while working on car

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Cargile had approached a neighbor Sunday night asking to borrow a droplight so he could remove his car's gasoline tank, the report said. The neighbor said it was raining, and he urged Cargile not to work on his car during the storm, according to the report.

Jon Rabihoff

Socialists blame vandalism on racists

Vandalism at the Pathfinder Books store was an act of intimidation said John Hawkins, a spokesman for the Socialist Workers Party.

"It was an attempt on the part of the racist forces in and around the city such as the Ku Klux Klan, the Nazis and Skinheads to exercise political intimidation on those who are fighting for social progress such as socialists, trade unionist, fighters for civil and women's rights and defenders of democratic rights," he said. "We're just sending a message loud and clear that we are not going to be intimidated by this."

Racist graffiti including swastikas and "white power" were found spray-painted on the door, windows and the side of the 111 21st St. South building that houses the bookstore and the Young Socialist Alliance and is also the headquarters for the Socialist Workers Party.

Hawkins, who is running for mayor of Birmingham, said the party is calling on the city administration to make sure the police department does "all in its power to apprehend those that committed this and to make sure that this or an even graver incident doesn't happen again."

Victoria L. Coman

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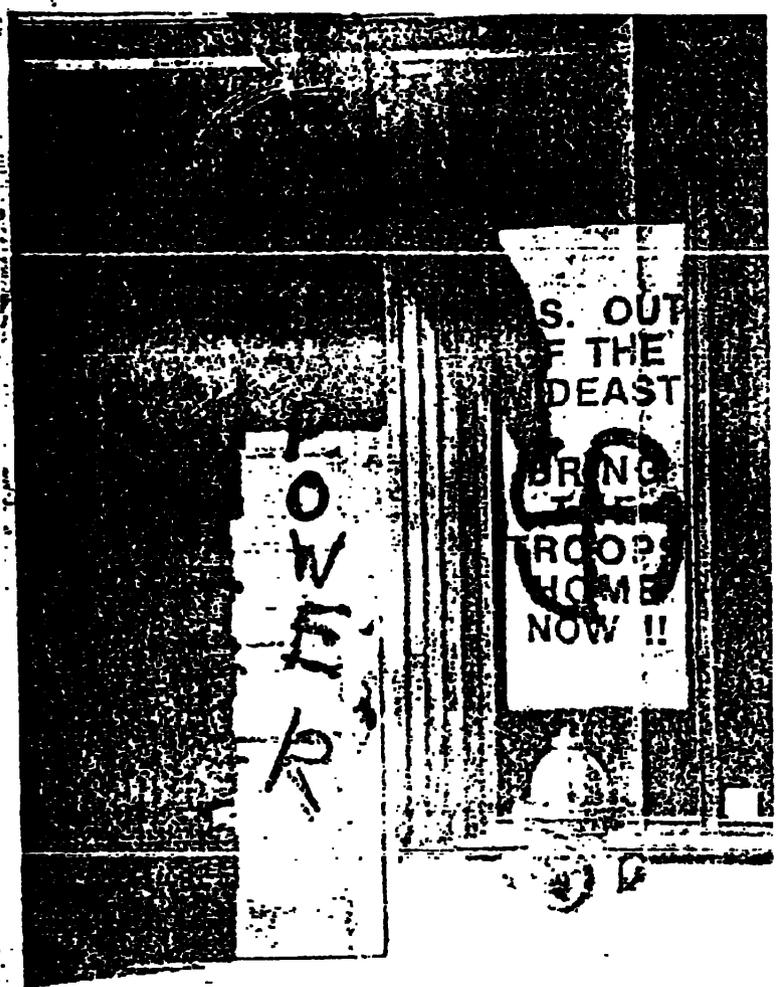
B'ham Socialist bookstore attacked

Bookstore

Hawkins pointed out that this is not the first such attack on the party headquarters and the bookstore. A plate glass window at the former offices of the party and bookstore was broken two years ago by forces in and around various rightist organizations in the area. This was at the same time that fascist thugs threw paint on the statue of Dr. Martin Luther King in Kelly Ingram Park, which prompted several demonstrations in response spearheaded by local youth.

Pathfinder bookstore is an affiliate of Pathfinder Press — the foremost socialist publishing house in the country, which issues the works of such authors as Malcolm X, the most far sighted leader of the fight for black rights during the 1950's and 1960's; Fidel Castro and Che Guevara, the central leaders of the Cuban Revolution; Karl Marx and Frederelch Engels, the founders of the modern socialist movement; and V. I. Lenin and Leon Trotsky, the central leaders of the Russian Revolution of 1917.

"We are calling upon the city administration to do all in its power to insure that the police department does its job — that is, apprehend and prosecute the perpetrators of this deed and insure that a similar incident, or one more damaging, does not occur in the future," said Hawkins.



BIRMINGHAM - On Saturday night June 15, 1991, the Pathfinder Bookstore at 111 21st Street, South in Birmingham was attacked and vandalized with racist graffiti. Swastikas and "White Power" — known symbols of the Ku Klux Klan and neo-Nazi organizations — were spray painted on the door, windows and side of the building.

Pathfinder Books is a political bookstore and also serves as the campaign headquarters for the Socialist Workers Party in the State of Alabama.

"We will not be intimidated by this right-wing attack against those fighting for social progress," said John Hawkins, Socialist Workers candidate for Mayor of Birmingham.

See BOOKSTORE, p. 2

Alabama socialist denounces rightist attack on bookstore

BY DAN FURMAN

BIRMINGHAM, Alabama — John Hawkins, Socialist Workers Party candidate for Birmingham mayor, denounced the recent dirty-painting of swastikas and the slogan "White Power" on the building that houses the offices of the Socialist Workers Party and the Pathfinder bookstore.

Hawkins called it "an attempt by rightist forces — such as the Ku Klux Klan, Nazis, and some skinheads — to exercise political intimidation against those fighting for social progress — trade unionists,

fighters for Black rights, fighters for women's rights, socialists, and other defenders of democracy.

The socialist candidate was speaking at a June 19 news conference held at the Pathfinder bookstore and covered by three local TV stations, several radio stations, the *Birmingham News*, and the *Post Herald*.

James Tuohy of St. Andrews Episcopal Church joined Hawkins in condemning the attack at the news conference. Several written statements of support and solidarity were also received.

"It is unfortunately a small step from attacking a bookstore . . . to burning books . . . to banning ideas . . . to jailing people whose views or race or religion you don't share," wrote John Zippert, co-publisher of the *Green County Democrat*. A statement from Birmingham Mayor Richard Arrington decried the attack and promised that the police department would conduct an investigation.

Responding to questions from reporters, Hawkins pointed out that the attack was not simply what the media labels a "hate crime." Instead, Hawkins said, it was an attempt to create an atmosphere of political intimidation.

A plate glass window at the former offices of the party and bookstore was broken two years ago by local skinheads. At that same time, paint was thrown on the statue of Martin Luther King, Jr. in Kelly Ingram Park. Young people in the area organized several demonstrations that politically pushed back this attempt of fascist-like outfits to operate more openly. The Socialist Workers Party and Young Socialist Alliance were in the forefront of those organizing that response, the socialist candidate noted.

Asked about his reaction to the mayor's statement, Hawkins called it "a step in the right direction." He went on to urge the city administration to do all in its power to apprehend and prosecute the perpetrators and to insure that a similar or more damaging incident does not occur in the future. "We won't be satisfied," the socialist candidate said, "until that is done."

"It is easy to see why we were singled out this time," said Hawkins, pointing to the role of the Pathfinder bookstore in distributing revolutionary literature and to the SWP and YSA's participation in working-class struggles. "But more importantly, this act is aimed at all who struggle for social justice."

STATEMENT BY

KEN KAWAKUBO, CANDIDATE FOR SEATTLE CITY COUNCIL

Early this year (January 17 - February 15) the management at Northwest Airlines where I was employed, harassed and attempted to victimize me because of my political views on the U.S.-Iraq war.

I was called into a meeting with my supervisor because of my opposition to the U.S. actions in the Middle East. I was ordered to remove a button I was wearing which stated my opposition. If I did not comply, I was told, it could lead to disciplinary action. This was clearly selective harassment as it is common practice for many workers to wear buttons at work. In fact, several of my co-workers were wearing buttons at that time supporting U.S. involvement. The company also issued a public memo which was posted up singling me out for this supposed violation.

Through support from co-workers and intervention on my behalf by the union, actual victimization was avoided. The management is well aware of my political affiliation with the Socialist Workers Party as I was a candidate in the local Seattle elections in 1990 and openly campaigned on the job.



Ken Kawakubo

8/12/91

Exhibit C1

DECLARATION

I, PRISCILLA SCHENK, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosures provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On January 18, 1991, myself and a coworker, Harold Searcy, were each interrogated by agents of the Iowa Bureau of Criminal Investigation and Secret Service Agency in the personnel office of our employer, Emco Industries, in Des Moines, Iowa.

2. This interrogation came in the midst of the U.S. war against Iraq. The questioning centered on my public opposition to the war. I regularly sold the *Militant*, a socialist newsweekly, and distributed public statements by the Socialist Workers Party in opposition to the war.

3. I was personally called into the office by the company's personnel director. Two men inside pulled out their badges and said they were agents of the Iowa Bureau of Criminal Investigation and Secret Service Agency. They said they had a few questions about my political activities because they received a phone call saying that I and another worker in the plant had been overheard threatening to kill the president of the U.S. and the governor of the state of Iowa. I said that was outrageous and untrue. They closed the door, leaving only me and the two police agents in the room. I told them I had nothing to say to them. They insisted they had to ask some questions to "clear things up." I said I wanted an attorney present. They said that wasn't necessary, that it was just some questions. I asked if I was being charged with something. They said no. They said they could certainly charge me, but that would take too much time, booking me, getting into court, getting attorneys—a lot of time and money. They said they wanted to get this over with quickly.

4. I asked to have my union steward present. They said no, it was not a union concern. I said it was a union matter, and that I wanted a union representative. They agreed. The Secret Service cop went out and asked the personnel manager to get a union representative. The agent came back into the room. Both started to barrage me with questions. They asked: Are you against the war? (I had a button on my sweater saying "U.S. Troops Out of the Middle East".) Is anyone else here against the war? Who are your friends? Who are your friends outside work?

5. I repeated over and over that I had nothing to say to them. I waited for a few minutes until the union steward came. They repeated to the steward the charge about the phone call. I repeated that the charge was totally false. The steward said that with the war going on there had been some loud talk, but that the charge was ridiculous. They asked if I knew who would have it in for me. I repeated I had nothing to say to them without an attorney present.

6. They asked if I was going to the governor's inaugural ball that night and if I carry a gun or other weapon to work. I said I had nothing to say to them. They then let me leave.

Exhibit 62

7. An attorney from the American Civil Liberties Union called sometime later to the Secret Service Agency in Omaha. The agency informed him that there was no open investigation of either myself or Harold Searcy and that there was no record of pending charges against us.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 1996.


PRISCILLA SCHENK

Date Nov. 15, 1996

O/IOWA

Des Moines Register
2-21-91

Two anti-war Iowans say agents harassed them

By WILLIAM PETROSKI
Register Staff Writer

Two Des Moines anti-war activists are accusing the Secret Service and the Iowa Division of Criminal Investigation of political harassment after agents allegedly tried to force them to detail their political activities and name their associates.

An Iowa civil liberties lawyer called the investigation an "ugly incident," while a United Auto Workers union official said it is an example of "law enforcement terrorism."

Priscilla Schenk, 41, and Harold Searcy, 27, both of Des Moines, are members of People for Peace in the Middle East, an anti-war group. They said the questioning happened while they were at work at Emco Industries Inc. on Jan. 18.

Anonymous Phone Tip

They said the two agents told them they were acting on an anonymous phone tip that said they had been overheard threatening the lives of President Bush and Iowa Gov. Terry Branstad.

Both workers said the allegations are ridiculous and they believe the agents were harassing them because of their activities against the Persian Gulf War. Schenk, a factory worker, is also a member of the Socialist Workers Party. Searcy, a janitor, said he didn't belong to any political party at the time of the incident.

Schenk, also known by her married name of Marroquin, was interrogated first by the two agents, and Searcy was questioned later. They said they could not name the Secret Service agent, but identified the DCI agent as Donald Harris. Schenk said she and Searcy were especially upset about methods used by the two agents in



Priscilla Schenk
Factory worker

conducting the interrogation sessions.

"They more or less came into the factory where I work and basically interrogated me about my political views. I have been real outspoken about the war," Schenk said. "They started off reciting the charge that I was overheard threatening the life of the president and the governor," which was "absolutely not true."

Questions Asked

"They asked me, 'Are you against the war?' and 'Who are your friends?' and 'Where do you go after work?'" Schenk said. "I tried to leave the

room, and the Secret Service guy put his hand on the door and said, 'You're not going anywhere.'"

She said the agents refused to permit her to have a lawyer present while she was questioned, although they later allowed a UAW union steward to attend at her insistence.

Searcy, who was wearing a "No blood for oil" button and a green peace ribbon while the agents questioned him, said the agents told him they were conducting a background check. They asked him to name his friends who were also opposed to the Persian Gulf War and to name his associates at work and to explain how he spent his free time.

"They also asked me if I owned a gun and if I was going to the inaugural ball" for Branstad, Searcy said.

Seen as a Trend

Charles Gifford of Burlington, a leader of the United Auto Workers in Iowa, said he believes the interrogation of his two fellow union members went beyond the bounds necessary. Gifford also said he considers the investigation to be part of a trend in the United States to stifle anti-war sentiment.

Rather than embarrassing Schenk and Searcy by visiting them at work, the two agents could have discreetly stopped at their homes and asked them questions if the allegations had been legitimate, Gifford said. "This was law-enforcement terrorism," he said.

Randall Wilson, legal director of the Iowa Civil Liberties Union, called

ACTIVISTS

Please turn to Page 4M

2 activists: We were harassed

ACTIVISTS

Continued from Page 1M

the investigation of the two workers "an ugly incident" that will have a chilling effect on Iowans who are protesting the gulf war. "I think this is very dangerous to our society," he said.

Tom Caul, special agent in charge of Secret Service in Iowa, said he could not comment on what occurred when Searcy and Schenk were questioned because he wasn't there when the questioning was conducted. He said that to the best of his knowledge, neither is presently considered under investigation.

Caul also said the Secret Service is not routinely questioning people in Iowa who protest the Persian Gulf War.

DCI Agent Harris, asked about the allegations against him, remarked, "I

don't respond to things like that." He referred all questions to his superiors.

DCI Director Darwin Chapman said Wednesday that a report on the agents' questioning of Searcy and Schenk wasn't available yet, so he couldn't comment. But he added, "Whenever the governor is threatened, it is something we take seriously."

Marvin VanZee, a supervisor at Emco Industries, said the company was not involved in the visit by the state and federal agents. "It was just as much news to me as it was to them. I thought, 'My Lord, what is going on?'"

VanZee said that the day before the two agents visited the company, Schenk and Searcy had a "heated discussion in the lunchroom" with some other workers, but he couldn't confirm whether politics were discussed.

Friday, February 22, 1991

Register

Des Moines

Inquiry urged into peace activists' allegations of harassment

ICTORIA BERNING

Two state senators have called for an investigation into the actions of agents of the Secret Service and Iowa Division of Criminal Investigation who are accused of trying to force two anti-war activists to detail their political activities and associates.

"I'd be interested in looking into this further," Al Sturgeon, D-Sioux City, chairman of the Judiciary Committee. "That kind of discredits me because it appears to me that demands of expression is the reason why we're in Persian Gulf right now — the whole idea of respecting freedoms, including divergent political points of view."

Sturgeon's comments came after Sen. Larry Jurgens, D-Des Moines, asked for a Judiciary Com-

mittee investigation into an incident last month. Thursday morning on the Senate floor, Murphy read a newspaper account of the incident — and asked Sturgeon where he thought it might have happened. "Baghdad?" Sturgeon asked.

Replied Murphy, "It happened right here in Des Moines by people on the payroll of the great state of Iowa."

Pricilla Schenk, 41, and Harold Searcy, 27, both of Des Moines, are members of People for Peace in the Middle East, an anti-war group. The two said they were working at Kinco Industries Inc. on Jan. 18, when two agents entered the business.

Schenk and Searcy say the agents told them they were acting on an anonymous tip that the two peace activists had been overheard threatening the lives of President Bush and Iowa Gov. Terry Branstad. The two said that they were questioned without legal counsel present and that they were embarrassed to have the incident occur at work.

Both workers denied the allegations and said they believe the agents were harassing them because of their activities against the Gulf War.

Sturgeon and Murphy said they would like to have the state agent and head of the Division of Criminal Investigation appear before the Judiciary Committee to explain the incident and any investigation that might be continuing. Officials

of the investigation division and Secret Service have declined to comment on the incident.

Murphy said that because the Division of Criminal Investigation did not want to respond to the media, maybe its officials would be more likely to answer to the body that pays their salaries: the Legislature.

"I'm very upset with this," Murphy said. "It's really kind of frightening."

Murphy told Sturgeon that he might ask the officials involved to "write an essay on the Constitution and the Bill of Rights and some of those other basic freedoms that I thought that we enjoyed in this country," to present to the committee.

BETH GALINSKY

Two Des Moines United Auto Workers members are winning wide publicity in their fight against government harassment for their antiwar views and political activities. Priscilla Schenk and Harold Searcy, who work at Enco Industries, Inc. an auto parts plant, were interrogated at work January 18 by agents of the U.S. Secret Service and the FBI's Division of Criminal Investigation.

After a front page article on the case appeared in the *Des Moines Register's* February 21 Metro/lowa section, two state senators spoke on the floor of the Iowa legislature against the violation of Schenk and Searcy's democratic rights. Their call for an investigation into the harassment was published in the *Register* the next day. (See sidebar below.)

National Public Radio and local Des Moines radio and television stations have also covered the fight.

The February 21 article showed the growing support for Schenk and Searcy. It quoted Dennis Gifford, an official of the United Auto Workers union, who said the interrogation is an example of "law enforcement terrorism." Randall Wilson, legal director of the Iowa Civil Liberties Union, called it an "ugly violation," and added, "I think this is very dangerous to our society."

Schenk told the *Register* that the political police "came into the factory where I work and basically interrogated me about my political views. I have been real outspoken about the war. They started off reciting the pledge that I was overheard threatening the life of the president and the governor," which she said was "absolutely not true."

The *Register* noted that both Searcy and Schenk belong to "People for Peace in the Middle East" and that Schenk is a member of the Socialist Workers Party.

"They asked me, 'Are you against the president' and 'Who are your friends?'" Schenk

said. "I tried to leave the room, and the Secret Service guy put his hand on the door and said, 'You're not going anywhere.'"

Both the Secret Service and the Division of Criminal Investigation refused to answer questions from the *Register* on the incident. However, DCI Director Delwin Chapman stated, "Whenever the governor is threatened, it is something we take seriously."

The paper noted that "both workers said the allegations are ridiculous."

A picture of Schenk, wearing "No blood for oil" and "U.S. Troops out of the Middle East" buttons accompanied the article.

The following article by Victoria Ransing appeared in the February 22 edition of the *Des Moines Register* on the front page of the Metro/lowa section under the headline "Inquiry urged into peace activists' allegations of harassment."

Two state senators have called for an investigation into the actions of agents of the Secret Service and Iowa Division of Criminal Investigation who are accused of trying to force two anti-war activists to detail their political activities and associates.

"I'd be interested in looking into this further," said Al Sturgeon, D-Sioux City, chairman of the Senate Judiciary Committee. "That kind of stuff disturbs me because it appears to me that freedom of expression is the reason why we're in the Persian Gulf right now — the whole idea of protecting freedoms, including divergent political points of view."

Sturgeon's comments came after Sen. Larry Murphy, D-Oelwein, asked for a Judiciary Committee investigation into an incident last month.

Thursday morning on the Senate floor, Murphy read a newspaper account of the incident — minus the names and the city



Priscilla Schenk (left), and Harold Searcy (right) were interrogated by police agents for their antiwar, political activities. Auto union official called it "law enforcement terrorism."

where it occurred — and asked Sturgeon where he thought it might have happened. "Baghdad?" Sturgeon asked.

Replied Murphy, "it happened right here in Des Moines by people on the payroll of the great state of Iowa."

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when two agents entered the building.

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Curtis supporters campaign at UN meeting

DEREK JEFFERS

GENEVA — An international delegation of supporters of Mark Curtis arrived here Monday 11 to bring the fight for his freedom to the United Nations Commission on Human Rights. Curtis is a union and political activist who was framed on false criminal charges and is serving a 25-year jail term in Iowa state prison.

Rafael Retureau, delegate of the World Federation of Trade Unions, told the Commission that morning that "in a majority of countries we are far from having unionists respected. It is in the United States of America which has signed almost none of the international labor organization conventions, where the employers can have their workers replaced by others and in fire strikers."

"The repressive and judicial apparatus sometimes become the instrument of this," Retureau said, "either by handing down inquests or organizing frame-ups, like in the case of Mark Curtis, a worker in the meat-canning industry in Iowa."

"On the basis of a rape accusation without proof he has been imprisoned for years as a victim of hard and discriminatory conditions. But in reality this is for an organized political and union activities with Spanish-speaking workers in language he spoke," the WFTU representative said.

The World Federation is one of the largest international union organizations, and is one of the 150 Non-Governmental Organizations (NGOs) accredited by the UN to attend its sessions. Curtis views before the Commission on Human Rights.

The Curtis defense delegation was led by Kaku, Curtis' wife and a leading supporter for the defense effort on his behalf. John Studer, coordinator of the Curtis Defense Committee based in Des Moines, Iowa. The committee was organized to organize political, legal, and financial support for the fight for Curtis' freedom. The delegation also included representatives from Canada, France, Britain, and Sweden.

John Kaku, and Lynn Little, a leader in support work in Vancouver, Canada, were scheduled to participate in the meeting of the Indigenous World Association, a

NGO human rights group.

The defense team attended the session as part of a long-term campaign to win UN action to press U.S. authorities to release Curtis because the frame-up and attacks on his democratic rights in prison are violations of basic human rights.

The Human Rights Commission is an important committee of the United Nations. It is composed of delegates from 43 countries, elected to three-year terms. The UN voted this year to enlarge the Commission and 10 more members will be elected prior to the 1992 meeting. Over 70 governments, as well as UN-recognized national liberation movements, such as the Palestine Liberation Organization and the African National Congress of South Africa, send representatives to participate in the meetings.

The current session is taking place at the Palais Des Nations, headquarters of the UN Centre for Human Rights. The Centre organizes UN activities relating to human rights. Last year over 300,000 allegations of governmental human rights abuses were sent to the Centre.

Mideast war and Curtis fight

Members of the Curtis delegation met with dozens of government representatives, including Commission members and observers from other countries, UN Human Rights Centre staff members, and delegates from non-governmental human rights groups.

"Our aim is to make progress in bringing Curtis' case before the United Nations and expand the international outcry for his release," Kaku said in an interview.

"We feel that this case takes on greater importance today because of the U.S.-led war against Iraq. The U.S. government claims it is bombarding Iraq in the interests of 'democracy.' World attention must be focused on the reality of the widespread abuse of human rights inside the United States," she said.

"Workers fighting to defend their standard of living, Blacks and Latinos suffering the lash of racism, and opponents of government policy have become victims of U.S. democracy," Kaku said.

"Attacks on political rights in Britain, Can-

ada, the United States, and elsewhere are increasing because of the war. Iraqis and other Arabs are being interrogated and intimidated by the FBI.

"The fight to win freedom and political space for Mark is an important battle ground for all those who speak out against the U.S. government's war drive," she said.

The Mark Curtis Defense Committee is on a campaign to raise \$30,000 to cover the costs of sending the delegation of supporters to Geneva. For information or to make a contribution contact the committee at P.O. Box 1948, Des Moines, Iowa 50311. Tax-deductible contributions should be made payable to the Political Rights Defense Fund, Inc.

'New International' fund receives first contributions for new issue

BY CINDY JAQUITH

In anticipation of the forthcoming issue of the Marxist magazine *New International*, nine supporters have already sent \$550 in contributions to the New International Fund. The checks came from Honolulu, Hawaii; Cambridge, Massachusetts; and Los Angeles toward the fund's goal of raising \$75,000 by May 1.

The fund will finance the publication in March of *New International* No. 7, a special issue on the imperialist war of conquest against the people of Iraq. The \$75,000 will also make possible the subsequent publication of *New International* No. 8 and issues of its sister publications in Spanish and French, *Nueva Internacional* and *Nouvelle Internationale*.

The featured article in *New International* No. 7 is "The Opening Gaps of World War III: Washington's Assault on Iraq," by Jack Barnes, national secretary of the Socialist Workers Party. Barnes shows that Washington's bipartisan march to war against Iraq was no historical accident. U.S. imperialism is fighting for position in the declining old world order, not giving birth to something new.

The issue also includes related material on

the war and a feature on "Che Guevara and the Building of Socialism," with articles by Cuban Vice-President and Communist Party leader Carlos Rafael Rodriguez; Cuban author and economist Carlos Tablada; *New International* managing editor Steve Clark; and the magazine's editor, Mary-Alice Waters.

In early February, in San Francisco, 75 people turned out for a Militant Labor Forum titled "The Opening Gaps of World War III." The speaker was SWP National Committee member Norton Sandler. As part of the evening, the plans for *New International* No. 7 and for the New International Fund were reported. Participants pledged \$2,000 toward the fund that night.

Sandler spoke in Los Angeles as well, where supporters have already begun collecting and sending in donations to the fund.

Next week's *Militant* will print a score-board of the fund goals for supporters of the magazine in eight countries: Australia, Britain, Canada, France, Iceland, New Zealand, Sweden, and the United States.

Contributions may be sent to New International Fund, 410 West St., New York, N.Y. 10014.

DECLARATION

I, David Z. Rosenfeld, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement to the best of my knowledge:

1. On January 27, 1991, two threatening phone calls referring to the Socialist Workers election campaign were made to my home on Gasconade Street in St. Louis, MO. The calls were taken by a guest who was staying at my house.

2. At that time I was heading a slate of Socialist Workers candidates running for local office in St. Louis. I was the Socialist Workers candidate for the President of the Board of Aldermen.

3. The calls happened after a local newspaper, The Riverfront Times, quoted me criticizing the U.S. war then taking place in Iraq.

4. A police report was filed and the phone company was notified of the harassment. No further action was taken by the police or the phone company.

5. On the night of January 30, 1991 a window of offices the Socialist Workers Campaign headquarters was smashed.

6. One day earlier, Socialist Workers campaign supporters submitted nominating petitions with the Board of Elections for the post of President of the Board of Alderman.

7. A police report was filed and an officer was assigned to the case.

8. I telephoned the officer assigned to the case several days after the window was smashed. He told me that apart from reviewing the police report and speaking with me, he had done nothing to investigate the matter and had no plans to do anything further. He expressed the opinion that the vandalism was not politically motivated, but had been part of a "spree of vandalism" on the street that involved several places of business. Upon further questioning, I was able to determine that no other acts of vandalism had been reported to the police in the vicinity of the campaign headquarters on the night of January 30, 1991. He then maintained that two or three

Exhibit C3

other businesses had been vandalized several weeks before. None of the business were in the immediate vicinity of the headquarters.

9. No further action was taken by the police.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 16, 1996.


David Z. Rosenfeld

Date November 16, 1996

Smashing of socialist campaign office window protested in St. Louis

BY ANDREA GONZALEZ

ST. LOUIS — On the night of January 30 the window of the Socialist Workers campaign headquarters here was smashed.

The day before, campaign supporters had turned in 3,800 signatures, 1,000 over the number required for ballot status. Supporters had put the war at the center of the petitioning drive. They focused on three demands since the war began: "Stop the bombing!", "End the embargo against Iraq!", and "U.S. troops out of the Middle East!"

In the days since the window was smashed support messages have been received from Benjamin Hoover, Sr., a frame-up victim and political activist; Tim Kaminski, a member of the Communist Party; Dan Hellinger and Art Sandler, leaders of the Latin American Solidarity Committee; and Ted Braun, a longtime political activist from southern Illinois.

Bill Ramsey, a leading opponent here of the U.S. war; Eldora Spiegelberg, president of St. Louis Women's International League for Peace and Freedom; and Rev. Ted Schoeder, a prominent activist in the city, will be joining David Rosenfeld, the socialist candidate for president of the Board of Aldermen at a press conference protesting the attack.

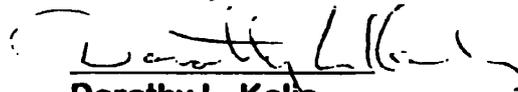
DECLARATION

I, Dorothy L. Kolis, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On September 26, 1990, the car window of Virginia O'Riley was smashed while she was at work. The vent window and door handle were broken. Her car was parked in the company parking lot. No other vehicles in the lot that night were vandalized.
2. Ms. O'Riley was the Socialist Workers Party candidate for Georgia Commissioner of Agriculture. The act of vandalism occurred the day after a campaign rally was held at the Hormel plant gate.
3. At the time, I was also reported to company security and DeKalb County Police Department.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 1996.


Dorothy L. Kolis

Date 11-16-96

Exhibit 64

DECLARATION

I, Claudia Hommel, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party (SWP), the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On September 29, 1990, I was arrested on a public street in North Chicago, near the Great Lakes Naval Training Center, while distributing campaign literature for Socialist Workers candidates.
2. I was campaigning with two of the Socialist Workers candidates for statewide office, John Votava and Max Monclair, and another campaign supporter.
3. The circumstances of the arrest are as follows: the four of us listed above went to North Chicago, and after being denied permission to campaign in the parking lot of the navy commissary shopping mall, we found a vacant store on Sheridan in front of which we set up a campaign table. Foot and car traffic was very light. The shopkeeper next door asked us to not mill in front of his store, so we moved further from the sidewalk in front of his store. We had been there perhaps 15 minutes when a police car pulled up on 21st Street (at the corner of Sheridan) and approached one of our campaigners who was talking to four pedestrians. The officer (Officer Price) did not come to the table across the street but told the campaigner to "pack up and get out of town". As head of our delegation, I went to the officer to see what was the matter. I asked Officer Price whether we had the right to campaign in the town. He said, "You have thirty seconds to shut up." So I tried to finish my question by asking politely, what were our rights to campaign. His reply was, "You have 15 seconds to get off this street." I started to turn to leave when he grabbed my arms roughly, snapped handcuffs onto my arms behind me and threw me into the back seat of his car. In the car, as he turned the corner, he rolled down his window and said to the others packing up the table, "This is to show you we're not bullshitting around here."
4. I was charged with obstructing traffic and disorderly conduct. I disputed the charge, since at no time did I or the others block pedestrians or street traffic; nor when asked did we refuse to move.
5. Protest letters from a range of individuals, including Congressman George Crockett of Michigan, were received in support of my defense. With the assistance (and expense) of legal counsel, the charge of disorderly conduct was dropped, a fine of \$50 was paid toward the "court costs" and a non-conviction 30-day supervision was imposed, prohibiting my return to North Chicago.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 18, 1996.

Claudia Hommel
Claudia Hommel

Nov 18, 1996

Exhibit 65

COPY OF COMPLAINT & SUMMONS - VIOLATOR'S COPY
NON-TRAFFIC COMPLAINT AND NOTICE TO APPEAR
NORTH CHICAGO POLICE DEPARTMENT

STATE OF ILLINOIS
COUNTY OF LAKE
CITY OF NORTH CHICAGO

No. DP 49266

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY ILLINOIS - MAGISTRATE DIVISION

The undersigned says that:

ON Saturday, Sept. 29 19 90 AT 1:05 P.M.
NAME HOPPEL Claudia
(LAST) (FIRST) (MIDDLE)
ADDRESS 2716 E. Troy Chicago IL 60647
(STREET) (CITY) (STATE)
PHONE NO. _____ BIRTHDAY 1-27-50
DID IN CITY OF NORTH CHICAGO, ILLINOIS

IN LAKE COUNTY, STATE OF ILLINOIS, UNLAWFULLY COMMIT THE
FOLLOWING OFFENSES: Disorderly Conduct
(DESCRIBE) in that the above named subject did willfully
stop people walking in the area of 2100 block of
Sheridan Road blocking the sidewalk causing people
to go around and stood in the street blocking vehicle
traffic and refused to move
IN VIOLATION OF SECTION 8-24 CHAPTER 24

OF THE ILLINOIS REVISED STATUTES XXXXX ORDINANCE
OF SAID MUNICIPALITY.

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE
GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE
COMMITTED THE OFFENSE HEREIN SET FORTH CONTRARY TO LAW AND AGAINST
THE PEACE AND DIGNITY OF THE PEOPLE OF THE STATE OF ILLINOIS.

DATED September 29th 19 90

Signed and sworn to before me _____
19 _____
Clerk

[Signature]
(Signature and identification of officer or other
Complainant)

YOU ARE DIRECTED TO REPORT TO THE ABOVE NAMED
COURT 1850 LEWIS AVENUE, NORTH CHICAGO, ILLINOIS
ON October 25th 19 90 AT 3:00 P.M.

NOTICE: THE COURT WILL ISSUE A WARRANT FOR THE ARREST OF ANY DE-
FENDANT WHO HAS FAILED TO APPEAR TO ANSWER AN ARREST TICKET DULY
SERVED UPON HIM AND UPON WHICH A COMPLAINT HAS BEEN FILED.

ILLINOIS CITATION AND COMPLAINT NOTICE TO APPEAR

NORTH CHICAGO POLICE DEPARTMENT
1850 LEWIS AVE., NORTH CHICAGO, IL 60064
PH. # 312-578-7798

CODE

No. 137718

Case No. _____
STATE OF ILLINOIS
County of Lake

VIOLATOR'S COPY

Yearship of _____
City of North Chicago

DISTRICT OF OCCURRENCE _____

PLAINTIFF VS.

NAME	ALVIN L. CHURCH
ADDRESS	1716 N. ELM
CITY	CHICAGO
DR. LIC.	45401110012
EYES	BRN
HAIR	BLK
SEX	M
HT.	5'7"
WT.	160
DOB	1/27/52
TYPE	OPER
CLASS.	CL
EXPIRES	89
RESTRICTION	

THE UNDERSIGNED STATES THAT ON

2/10 AT 105 AM

Defendant did unlawfully operate

Registration No.	State	Year
Make	Year	Color
<input checked="" type="checkbox"/> Passenger Car	<input type="checkbox"/> 2. Recreational Veh. or Truck	<input type="checkbox"/> 3. Bus
<input type="checkbox"/> Motorcyclist	<input type="checkbox"/> 4. Truck Tractor	<input type="checkbox"/> 5. Trailer or Semi-Trailer
<input type="checkbox"/> Other	<input type="checkbox"/> 6. Motorcycle or Bicycle	<input type="checkbox"/> 7. Other

UPON A PUBLIC HIGHWAY, NAMELY ON
INDUSTRIAL ST. AT SKERVEN RD
Situated in the County and State aforesaid and There Committed the Following Offense.

Speeding	M.P.H. In 3	M.P.H. Zone
Other	OBSTRUCTED TRAFFIC	
In violation of I.V.C.	<input type="checkbox"/> I.S.	<input type="checkbox"/> C-30 Sec 3-2-1
Local Ordinance	10-3-24	

THE FOLLOWING WAS POSTED AS BOND:

1. I promise to comply with the terms of this citation.

2. Cash _____

4. Bond Card No. _____

5. Multiple Citations See No. _____

6. No Bond Confined at _____

Signature: *[Signature]* Driver's License: *[Signature]*

DATE: 2/10/90 BY: [Signature] OFFICER'S SIGNATURE: [Signature] I.D. No. _____

COURT LOCATION & DATE: Circuit Court at: Lake County Court Branch #7
1850 Lewis Ave., North Chicago, IL 60064
Ph. # 312-578-0886 on 2/25/90 at 3:00 PM

IF YOU PLAN TO PLEAD GUILTY:

You MUST APPEAR IN COURT in person on the above date.

You may appear in person on the above date or you may plead guilty and pay the fine, costs, penalties, etc. by following the instructions on the back of the violator's copy (Printed in orange ink).

IF YOU PLAN TO PLEAD NOT GUILTY:

In COOK COUNTY, you MUST APPEAR IN COURT in person on the above court date.

In all other counties, you may obtain a firm date by completing the back-enclosed AVOID MULTIPLE COURT APPEARANCES which appears on the back side of the Court Commitment copy (Printed in blue ink).

Acc. Type	<input type="checkbox"/> PD	<input type="checkbox"/> OH	<input type="checkbox"/> FATAL	Rpt. No.	<input type="checkbox"/> 1. M.M. Radar	<input type="checkbox"/> 3. Vapour
Road Cond.	<input type="checkbox"/> Wet	<input type="checkbox"/> Dry	<input type="checkbox"/> Snow	<input type="checkbox"/> 1. P. Car	<input type="checkbox"/> 4. C-Signed	<input type="checkbox"/> 5. C-Signed
Visibility	<input type="checkbox"/> Light	<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	<input type="checkbox"/> 2. Radar	<input type="checkbox"/> 6. Assist	<input type="checkbox"/> 7. Assist
Traffic	<input type="checkbox"/> Heavy	<input type="checkbox"/> Concerning	<input type="checkbox"/> Pedest.	<input type="checkbox"/> 3. A. Crill	<input type="checkbox"/> 8. Accident	<input type="checkbox"/> 9. Accident
Ave.	<input type="checkbox"/> Bus	<input type="checkbox"/> School	<input type="checkbox"/> Res.	<input checked="" type="checkbox"/> 4. Marked	<input type="checkbox"/> 10. Other	
Ways	<input type="checkbox"/> 2 Lane	<input type="checkbox"/> 3 Lane	<input type="checkbox"/> 4 Lane			
Other						

EXHIBIT 66

Date ~~December 15, 1996~~

~~AMY HUSK~~


Executed on December 15, 1996.

I declare under penalty of perjury that the foregoing is true and accurate.

4. A police report was filed and a press conference held in the city about the incident on September 17. News of the press conference was carried in the *Kansas City Star* and a local television news program.

3. The poster in the picture is one supporting the strike by members of the International Association of Machinists against Eastern Airlines, a strike the SWP actively supported. The rock was thrown through a window bearing the sign, "U.S. out of the Arab East!"

2. The location of the offices were well-known in the city, as flyers with the address of the offices had been distributed around the area. I discovered the rock thrown through the window the morning of September 15, 1990 when I arrived to open the campaign office.

1. In the attached photograph, taken September 15, 1990 by Socialist Workers Campaign supporter Bob Cantrick, I am looking at the damage done by a large rock thrown through the front offices of the Socialist Workers Party in Kansas City. I am the person second from the right in the picture.

I make this statement on the basis of my personal knowledge:

I, AMY HUSK, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

DECLARATION



26E

Missouri event protests attack on campaign offices

BY CONNIE ALLEN

KANSAS CITY, Missouri — The Path-finder Bookstore here was vandalized September 15 when a large rock was thrown through a window near a sign demanding "U.S. out of the Arab East!" A public meet-

ing, sponsored by the William Labor Forum, protesting U.S. war moves had been held at the bookstore a week earlier.

The bookstore is a place where "working people and political activists can attend public meetings on the U.S. military role in the world, labor struggles like the Eastern strike, and fight for civil and democratic rights," explained bookstore director Alvaro Carrillo as a September 17 news conference. The Pathfinder Bookstore features titles by revolutionary leaders such as Malcolm X, Nelson Mandela, Ernesto Che Guevara, Karl Marx, and Frederick Engels.

"Violence against a political bookstore is not merely a random act of vandalism, as the police department has tried to say," explained Gary Stoneback, Socialist Workers Party candidate for U.S. Congress. "It is an attempt to intimidate working people from speaking their minds." Stoneback, a packing-house worker, called on the police department to investigate the attack, rather than "arresting and harassing strikers at Greyhound and Eastern or brutalizing the Black community."

Artene Rubinstein, SWP candidate for mayor of Kansas City, chaired the press conference. The SWP campaign headquarters is at the same location as the bookstore. Rubinstein also introduced Thomas Winstead, a student who is running for city council on the socialist ticket.

William Fountain, one of several Black ministers attacked by city cops in recent months, attended the press conference. The dignity of the vandals, he said, "will not give them the latitude to accept different views, different opinions. Their cowardice will not permit them to face opposition as sane men and women would."

The attack on the bookstore is "an assault on the freedom of speech of all people," said Laila Dawn Howard of Citizens for Peace and a Rational Energy Policy. "We stand by and support the people of Pathfinder Books," she said, "not simply because we share the common goal of peace in the Arab East, but because we know that to find any peace at all we must support the rights of all people, the right of free speech and the right to peace."

—In a written statement read at the news conference, Mayor Richard Berkeley said, "While we may disagree with a person's or organization's philosophy or ideas, I strongly urge that those feelings not be vented through violence or destruction of property. Violation of the law cannot be tolerated."

This statement was welcomed by Rubinstein. The mayor's office had remained silent in the face of two previous attacks on the bookstore.

A report of the attack was carried in the September 17 *Kansas City Star* and on a local television evening news program.

DECLARATION

I, Lisa Hickler, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On July 28, 1990, we entered the headquarters of the Socialist Workers Party at 2219 E. Market St., Greensboro, at about 4 p.m. to find a threatening message on the answering machine.
2. The message said, "This is a member of the Ku Klux Klan. We just want you to know, we're watching you."
3. The KKK had announced that they would be holding a rally here in November to commemorate the killing of members of the Communist Workers Party in 1979.
4. On July 29 we filed an official report with the Greensboro police. (Case #90-149657, Officer D.A. Moore). The police said that as a result of the announced KKK rally they expected an increase in Klan activity and took this as a serious threat.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 1996

Lisa Hickler

Lisa Hickler

Date 11/26/96

Exhibit 68